

General Assembly Action Regular Session 2006

A Staff Summary of Legislative Enactments

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Foreword

The 2006 Regular Session of the General Assembly convened Tuesday, January 3, 2006, and adjourned sine die Monday, April 12, 2006, having met for 60 legislative days. During this session, 1,012 bills and 666 resolutions were introduced, including 258 Senate bills and 754 House bills.

Of the bills introduced, 79 Senate bills and 144 House bills passed both chambers and were delivered to the Governor. The Governor exercised his line-item veto authority in another House bill.

The Governor also received 37 joint and concurrent resolutions.

This informational bulletin summarizes the bills and resolutions that were delivered to the Governor. It was prepared by the staff of the Legislative Research Commission.

Robert Sherman
Director

Legislative Research Commission
Frankfort, Kentucky
May 2006

Bill Numbers to Acts Chapters

Bill No.	Acts Ch.						
SB 9	75	SB 147	56	HB 112	117	HB 380	252
SB 19	150	SB 148	57	HB 117	180	HB 381	229
SB 28	178	SB 154	242	HB 121	46	HB 382	250
SB 35	20	SB 155	82	HB 125	87	HB 383	26
SB 38	192	SB 157	200	HB 126	12	HB 385	24
SB 44	110	SB 166	153	HB 129	235	HB 387	89
SB 45	183	SB 170	40	HB 131	164	HB 388	124
SB 47	142	SB 171	223	HB 135	7	HB 395	237
SB 49	28	SB 174	195	HB 142	102	HB 403	6
SB 50	21	SB 175	154	HB 145	165	HB 408	125
SB 51	52	SB 179	186	HB 148	32	HB 414	212
SB 56	76	SB 180	155	HB 151	103	HB 418	253
SB 57	151	SB 182	146	HB 155	243	HB 424	126
SB 58	143	SB 191	245	HB 158	67	HB 427	167
SB 59	193	SB 200	185	HB 159	45	HB 429	44
SB 61	181	SB 202	96	HB 171	8	HB 437	246
SB 62	53	SB 204	222	HB 178	220	HB 442	215
SB 65	5	SB 205	156	HB 181	213	HB 446	70
SB 66	77	SB 219	58	HB 193	118	HB 450	43
SB 69	210	SB 224	256	HB 195	68	HB 451	127
SB 75	36	SB 225	157	HB 197	119	HB 453	234
SB 76	22	SB 226	158	HB 206	120	HB 458	71
SB 78	78	SB 230	159	HB 208	176	HB 462	218
SB 81	49	SB 237	160	HB 232	112	HB 470	128
SB 82	179	SB 239	208	HB 234	149	HB 472	41
SB 83	93			HB 238	121	HB 475	129
SB 84	199	SCR 98	91	HB 247	31	HB 479	130
SB 88	23	SCR 130	92	HB 250	33	HB 499	72
SB 89	152	SJR 176	161	HB 256	30	HB 501	236
SB 91	29	SJR 184	162	HB 258	69	HB 508	73
SB 93	50	SJR 228	163	HB 265	16	HB 512	131
SB 97	79			HB 266	122	HB 520	168
SB 98	197	HB 3	182	HB 267	35	HB 530	147
SB 102	177	HB 17	249	HB 268	123	HB 535	132
SB 105	211	HB 23	47	HB 272	109	HB 537	255
SB 106	80	HB 28	83	HB 273	113	HB 540	133
SB 107	54	HB 42	228	HB 275	4	HB 550	134
SB 108	144	HB 45	198	HB 277	34	HB 553	135
SB 111	206	HB 46	11	HB 278	105	HB 555	189
SB 120	207	HB 54	42	HB 283	1	HB 556	188
SB 122	217	HB 55	115	HB 285	106	HB 557	251
SB 123	247	HB 57	38	HB 289	209	HB 561	254
SB 124	190	HB 67	116	HB 290	240	HB 562	169
SB 127	175	HB 68	64	HB 298	18	HB 568	114
SB 130	227	HB 78	84	HB 299	184	HB 572	241
SB 131	55	HB 79	85	HB 301	107	HB 573	191
SB 132	94	HB 80	19	HB 314	108	HB 581	170
SB 133	194	HB 81	100	HB 327	27	HB 588	171
SB 136	37	HB 90	65	HB 333	51	HB 589	148
SB 137	25	HB 92	17	HB 336	88	HB 603	74
SB 138	39	HB 94	111	HB 337	239	HB 611	136
SB 141	145	HB 102	86	HB 341	221	HB 616	90
SB 143	95	HB 110	66	HB 361	187	HB 620	238
SB 146	81	HB 111	101	HB 374	166	HB 626	137

Bill No.	Acts Ch.						
HB 632	232	HB 738	225	HCR 43	3	HJR 168	230
HB 640	214	HB 742	231	HCR 49	9	HCR 189	140
HB 645	216			HCR 50	10	HCR 214	224
HB 646	172	HCR 8	226	HJR 93	257	HCR 222	104
HB 651	248	HJR 14	174	HJR 94	258	HCR 224	98
HB 656	219	HCR 30	15	HJR 95	259	HCR 225	205
HB 663	196	HCR 32	59	HJR 101	201	HCR 226	99
HB 665	138	HCR 37	2	HJR 110	48	HCR 227	204
HB 669	244	HCR 38	60	HCR 115	62	HCR 229	203
HB 688	139	HCR 39	61	HCR 119	13	HCR 287	202
HB 707	233	HCR 41	14	HCR 120	63		
HB 710	173	HCR 42	97	HJR 145	141		

Senate Bills

SB 9

AN ACT relating to dead bodies.

Creates a new section of KRS Chapter 213, relating to burials, to authorize an action in the Circuit Court for a family to require the burial or other lawful disposition of the body of the victim when the person alleged to have committed the homicide refuses to permit burial or lawful disposition of the body.

SB 19

AN ACT relating to electronic health information.

Amends KRS 216.267 to require any model chosen for the Kentucky e-Health Network to have the capacity to support a registry of the existence and location of advance directives related to health care and mental health treatment and organ donations executed under KRS 311.165 to 311.235; and includes the support of these registries as components of the Kentucky e-Health Network in its fully implemented form.

SB 28

AN ACT relating to the issuance of bonds.

Creates new sections of KRS Chapters 58 and 103 to prohibit the creation of private activity bond projects for housing outside the jurisdictional boundaries of the issuing entity.

SB 35

AN ACT relating to the primary program.

Amends KRS 158.030 and 158.031 to clarify that a child who is at least 5 years of age but less than 6 years of age may be advanced through the primary program if the student is determined to have acquired the academic and social skills taught in kindergarten as determined by local board policy; provides that the student may be classified as other than a kindergarten student for purposes of funding under KRS 157.310 to 157.440; and permits the Kentucky Board of Education to establish the process by administrative regulation for determining when a child may advance through the primary program.

SB 38

AN ACT relating to general principles of justification.

Creates a new section of KRS Chapter 503, relating to justification for use of force, to provide presumptions and principles relating to the use of force; amends KRS 503.010, relating to definitions, to redefine “dwelling” and to add definitions of “residence” and “vehicle”; amends KRS 503.050, relating to use of force for self-protection, to extend protection for any felony offense involving the use of force and to add a provision specifying that a person does not have a duty to retreat; amends KRS 503.070, relating to protection of another, to extend protection for any felony offense involving the use of force and to add a provision specifying that a person does not have a duty to retreat; amends KRS 503.080, relating to protection of property, to include

robbery and any felony offense involving the use of force and to add a provision specifying that a person does not have a duty to retreat; and creates a new section of KRS Chapter 503 to provide immunity from prosecution in certain use of force cases and provides that law enforcement can investigate claims of lawful use of force but cannot make an arrest unless there is probable cause to believe that the use of force was unlawful.

SB 44

AN ACT relating to highways.

Amends KRS 189.580, relating to the duties of individuals involved in traffic accidents, to require the driver to move the vehicle off the roadway of an interstate highway or parkway if the accident does not involve death or known or visible injury; permits an owner or operator of a vehicle to allow a properly licensed driver to move a vehicle off the roadway on his or her behalf in the event of an accident; allows officers to remove cargo or property obstructing the roadway without the consent of the owner; provides exceptions to delay any removal of hazardous material or vehicle involved in injury-related accidents until after fire, medical, and police personnel have finished their duties at the accident scene; permits the agency removing property from roadway to intervene in civil action to recover costs; and amends KRS 189.990 and 189.993 to prohibit the assessment of a penalty for a person who fails to remove a vehicle from the roadway or fails to report an accident as a result of being incapable.

SB 45

AN ACT relating to financial services.

Creates a new section of KRS Chapter 287 to restrict a person who is not a financial institution from using the trade name, trademark, service mark, logo, or symbol of any financial institution; defines "financial institution"; amends KRS 287.010 to define terms; amends KRS 287.013 to authorize the chairman, rather than the board, to call meetings of the financial institution's board; deletes requirement that the board meet at least quarterly; amends KRS 287.040 to provide that the number of board of directors of a bank shall be no less than the required number of organizers rather than incorporators; amends KRS 287.050 to make technical change by deleting "incorporators" and inserting in lieu thereof "organizers"; allows articles of incorporation to be filed and recorded as provided in the limited liability company law; amends KRS 287.065 to delete requirement that a majority of a bank's board of directors must be Kentucky residents during their terms of office; amends KRS 287.102 to provide that a bank receiving a CAMEL rating of 1 or 2 is exempt from any statutes or administrative regulations which would be preempted if it was operating as a national bank in Kentucky, operating as a state bank, state thrift, or state savings bank in any state, or meets the qualified thrift lender test; clarifies that the exemption does not apply to exempt any laws which regulate Kentucky state banks pertaining to deferred deposit transactions in KRS Chapter 368, title pledge lending in KRS Chapter 368, visitorial or examination powers, and interest rates; provides that before a state bank can engage in activities in which it could engage under subsection (2) of KRS 287.102, the state bank must obtain a legal opinion specifying the conditions under which such activity is allowed; amends KRS 287.103 to make technical changes; amends KRS 287.280 to permit a bank organized as a limited

liability company to comply with the legal lending limits applicable to national banks; amends KRS 287.350 to delete requirement that before a dividend is declared, at least 10 percent of a bank's net profits must be carried to its surplus fund; amends KRS 287.450 to permit the executive director to enter into joint examinations or joint enforcement actions with other bank supervisory agencies having concurrent jurisdiction over any bank and bank holding company in addition to any branch of an out-of-state bank or branch of a state bank located in a host state; amends KRS 287.480 to permit the executive director to enter into joint cooperative agreements for the collection and sharing of fees with other bank supervisory agencies having concurrent jurisdiction over any bank and bank holding company in addition to any branch of an out-of-state bank or branch of a state bank located in a host state; amends KRS 287.820 to require a bank, other than a bank that the executive director may designate by administrative regulation, to apply to the executive director for permission to establish a loan production office; amends KRS 287.990 to conform; amends KRS 425.501 to provide for a processing fee of \$10 with each order of garnishment; amends KRS 382.270 to provide that a deed or deed of trust or mortgage conveying a legal or equitable title to real property that is not so acknowledged or proved according to law, but that has been otherwise legally lodged for record prior to the effective date of this Act, shall be deemed to be validly lodged for record for purposes of KRS Chapter 382 and all interested parties shall be on constructive notice of the contents thereof; amends KRS 382.360 to require the clerk to cause the original deed of release to be delivered to the mortgagor or grantor or person entitled thereto; requires the assignee of a mortgage to file the assignment with the county clerk within 30 days of the assignment; prohibits the delivering of an assignment to the assignee or a lien release to the mortgagor from substituting for filing the assignment with the county clerk; provides that nothing in KRS Chapter 382 requires the legal holder of any note secured by lien in any deed or mortgage to file a release of any mortgage when the mortgage securing the paid note also secures a note or other obligation with remains unpaid; specifies that failure of an assignee to record a mortgage assignment shall not affect the validity or perfection, or invalidity or lack of perfection, of a mortgage lien under applicable law; amends KRS 382.270 to make technical changes; amends KRS 382.365 to require the assignee of a lien on real property to record the assignment in the county clerk's office; provides that upon proof to the court of the lien being satisfied by payment in full to the final lienholder or assignee, the court must enter a judgment noting the identity of the final lienholder or assignee and authorizing and directing the master commissioner of the court to execute and file with the county clerk the requisite release or assignments or both as appropriate; requires the written notice of failure to release a lien on real property to be properly addressed and sent by certified mail or delivered in person to a corporation's officer at the lienholder's principal address or an agent for process in Kentucky, to an individual at the address shown on the mortgage, at the lienholder's place of residence or place of business, or at an address to which the lienholder has directed that correspondence or payoff be sent, to a fiduciary of a trust or estate at the address shown on the mortgage or at an address to which the lienholder has directed that correspondence or payoff be sent, or to any other entity to an officer, partner, or member at the entity's principal place of business or to an agent for process; clarifies that the person who fails to properly release the lien is liable not only to the owner of the real property but also to a party with an interest in the real property;

prohibits damages for failure to record an assignment from exceeding three times the actual damages, plus attorney's fees and court costs, but establishing minimum damages of \$500; adds subsection (11) to provide that if more than one owner or party with an interest in the real property brings an action to recover damages, any statutory damages shall be allocated equally among recovering parties in the absence of agreement otherwise among said parties; provides that entry of a judgment awarding damages bars a subsequent action by any other person or entity to recover damages for the same violation; creates new sections of KRS Chapter 382 to allow a recorded mortgage to be amended by an affidavit prepared by an attorney to correct clerical errors or omitted information; prohibits the amendment from changing any term, dollar amount, or interest rate in the mortgage, unless signed by the mortgagor and secured party; and permits the filing of an affidavit to correct or supplement information regarding marital status of any party to a deed or to supplement or correct information contained in or absent from the acknowledgment or notary portion of a deed.

SB 47

AN ACT relating to Veterans Day programs in schools.

Amends KRS 158.075 to require all public schools to hold Veterans Day programs.

SB 49

AN ACT relating to gift cards.

Creates a new section of KRS Chapter 367 to provide minimum lengths of time for the expiration of gift cards issued by businesses or charitable organizations, excluding cards issued by a merchant for a promotional program for which no separate monetary consideration is given and general-use, prepaid cards, or other electronic payment devices that are issued by a bank or other financial institution that are usable at multiple, unaffiliated merchants or at automated teller machines, or both; limits service charges or fees that may have the effect of reducing the value of the card; mandates that a gift card sold without an expiration date is valid until redeemed or replaced; and creates a new section of KRS Chapter 244 to prohibit a person under the age of 21 from redeeming a gift card or any portion of a gift card for the purchase of alcoholic beverages.

SB 50

AN ACT relating to solid waste management.

Amends KRS 224.43-500 to delete date for commencing collection of environmental remediation fee; amends KRS 224.43-505 to delete obsolete study and reporting dates; includes recycling grants in the activities funded by the Kentucky pride fund; allows the Kentucky pride fund to retain unspent interest revenues; allows a portion of the environmental remediation fee to be used for recycling and household hazardous waste grants; establishes entities eligible to apply for recycling and household hazardous waste grants; provides for annual distributions from the Kentucky pride fund; establishes date for receipt of applications for litter cleanup funds; allows for unspent or returned litter abatement funds to be carried forward; deletes requirement that illegal dump cleanup grants will be semiannual; allows for the cabinet to waive the grant match requirement for certain illegal dump cleanups; establishes criteria for recycling and

household hazardous waste grants; allows match to be made in-kind; and makes technical corrections and renumbers accordingly.

SB 51

AN ACT relating to public employees.

Amends KRS 161.155 to provide that there shall be no loss of income or benefits to a teacher or school employee for work time lost because of personal injury incurred by the teacher or employee as the result of an assault while in the performance of assigned duties, for a period up to one year after the assault; requires physician statement that teacher or employee is physically unable to perform duties; and amends KRS 156.026, 161.157, and 161.623 to conform.

SB 56

AN ACT relating to the transportation of partially consumed bottles of wine.

Creates new sections of KRS Chapter 243 to permit a restaurant licensee to allow a patron to remove an opened and partially consumed container of wine from the restaurant's premises for consumption off the restaurant's premises; requires the restaurant or its employee to reseal the wine and place in a bag or other container where the bottle's subsequent opening or tampering with can be detected; requires the restaurant licensee or its employee to provide the patron a dated receipt for the purchase of the wine; and requires that transportation of the wine comply with the provisions of the Open Container laws.

SB 57

AN ACT relating to reorganization.

Amends KRS 151B.025 to designate the Kentucky Workforce Investment Board as the sole state agency responsible for the administration of vocational and technical education and the supervision of the administration of vocational and technical education; permits the board to delegate responsibilities to the Office of Career and Technical Education; and confirms Executive Order 2005-327.

SB 58

AN ACT relating to reorganization.

Amends KRS 11.550 to increase membership of the Telehealth Board by including the chief information officer of the Cabinet for Health and Family Services, or a designee; and confirms Executive Order 2005-1286, dated November 23, 2005.

SB 59

AN ACT relating to reorganization.

Establishes KRS Chapter 39G and creates new sections to establish the Kentucky Office of Homeland Security and its duties; attaches the office to the Office of the Governor; requires the governor to appoint the executive director of the Kentucky Office of Homeland Security; requires the executive director of the Office of Homeland Security to publicize the findings of the General Assembly stressing the dependence on Almighty God as being vital to the security of the Commonwealth by including the statutory provisions of KRS 39A.285(3) in its agency training and educational materials; requires

the executive director of the Office of Homeland Security to see that a plaque with the text of KRS 39A.285(3) be displayed at the entrance of the Emergency Operations Center; requires the executive director of the Office of Homeland Security (OHS) to inform members of the General Assembly of the process by which a public agency applies for a federal homeland security grant and to provide certain information to the members at least 90 days before an application deadline; requires the adjutant general to notify the governor and the executive director of the OHS of a disaster involving homeland security; requires the adjutant general to be the governor's primary point of contact for managing and responding to a disaster involving homeland security; requires the OHS to directly notify the chief executive officer of each city, county, urban-county, charter county, and consolidated local government concerning grants for homeland security as soon as the grants become available; requires the OHS written report to be submitted to the governor, the state auditor, Legislative Research Commission (LRC), and the Interim Joint Committee on Seniors, Veterans, Military Affairs, and Public Protection by November 1 instead of October 25; directs the state auditor to examine revenues and expenditures provided under the OHS annual written report and under the OHS records, and, if examination findings warrant, to conduct audits; requires the state auditor, by January 30, to submit examination and audit reports to the Senate Veterans, Military Affairs, and Public Protection Committee and the House Seniors, Military Affairs, and Public Safety Committee; directs the executive director of OHS to provide to the LRC and the Interim Joint Committee on Appropriations and Revenue a quarterly report on the receipt and expenditure of homeland security funds; specifies the minimum contents of the report; requires the initial quarterly report by October 15, 2006; moves the Commercial Mobile Radio Service Emergency Telecommunications Board of Kentucky from the Commonwealth Office of Technology to the Kentucky Office of Homeland Security; amends KRS 39A.050 to require that the director of the Division of Emergency Management notify the executive director of the Kentucky Office of Homeland Security of all major emergencies and disasters and all responses to these events; amends KRS 11.507, 11.512, 11.5163, 36.010, 39A.070, 39A.283, and 65.7623 to conform; repeals KRS 36.224 and 39A.287; and confirms Executive Order 2005-563.

SB 61

AN ACT relating to reorganization.

Amends KRS 12.020 to place the Office of Health Policy in lieu of the Office of Certificate of Need within the Cabinet for Health and Family Services; amends KRS 13B.020 and 194A.030 to conform; and confirms Executive Order 2005-779, dated August 1, 2005, which created the Office of Health Policy, Division of Health Policy Development, and Division of Certificate of Need and abolished the Office of Certificate of Need.

SB 62

AN ACT relating to the Kentucky Board of Architects.

Amends KRS 323.031 to specify buildings requiring a design professional seal as required by the Uniform State Building Code; exempts residential structures that do not require the services or seal of an architect or engineer under the Uniform State Building Code or KRS 323.033, or any other structure for which the services or seal of an architect

or engineer are not already required; repeals KRS 323.033; amends KRS 323.080 to modify fees; amends KRS 323.095 to provide for the use of an electronic architect's seal; amends KRS 323.120 to increase the maximum amount of a fine; repeals KRS 323.200; amends KRS 323.210 to provide authority for the Kentucky Board of Architects to promulgate administrative regulations to establish rules for the use of seals and signatures in electronic transactions; provides methods of relief against individuals practicing architecture without a license; repeals KRS 323.250; and amends KRS 323.990 making it a Class A misdemeanor to act as an architect without a license or to falsify information on an application for a license or the renewal of a license as an architect.

SB 65

AN ACT relating to prescriptive authority for advanced registered nurse practitioners.

Amends KRS 314.011 to permit advanced registered nurse practitioners to prescribe but not dispense controlled substances; establishes conditions for each schedule of controlled substances prescribed; limits the prescribing of psychostimulants to advanced registered nurse practitioners who are certified in psychiatric-mental health nursing and who provide either services at facilities defined under KRS Chapter 216B or mental health-mental retardation services; requires the advanced registered nurse practitioner who prescribes controlled substances to enter into a written collaborative agreement with a physician; prescribes the parameters of and the conditions imposed by the agreement; requires the agreement to be forwarded to the Board of Nursing and the Board of Medical Licensure; requires the prescribing advanced registered nurse practitioner and the collaborating physician to have the same or similar specialty qualifications; requires the advanced nurse practitioner to obtain certification from the United States Drug Enforcement Agency; amends KRS 314.042, 314.195, and 218A.010 to conform; amends KRS 218A.202 to permit the Cabinet for Health and Family Services to provide data to the Board of Nursing concerning nurse practitioners who are associated with a physician or nurse practitioner who is under investigation for improper prescribing practices or in a geographical area where there is either a trend report or report on a nurse practitioner or physician which indicates a substantial likelihood that inappropriate prescribing may be occurring; and clarifies that a nurse practitioner seeking licensure by endorsement in Kentucky must be in good standing in the original state where he or she was licensed, registered, or certified as a nurse practitioner.

SB 66

AN ACT relating to the Kentucky Board of Home Inspectors.

Amends KRS 198B.704 to delete appointments of one person from the American Society of Home Inspectors, one person from the Kentucky Real Estate Inspectors Association, and one person from the National Association of Home Inspectors; deletes the requirement that two persons shall be either at large licensed home inspectors or managers of a home inspection company; specifies that board members shall be selected from a list of 15 names submitted to the governor by a selection committee; and increases the selection committee to eight members and adds a member of the National Association of Certified Home Inspectors to the selection committee.

SB 69

AN ACT relating to reorganization.

Amends KRS 12.020 to abolish the Department for Regional Development and rename the Department of Innovation and Commercialization for a Knowledge Based Economy as the Department of Commercialization and Innovation; amends KRS 42.4588 to transfer authority over single-county coal projects from the Cabinet for Economic Development to the Department for Local Government; amends KRS 154.12-225 to transfer authorities and duties of Department for Regional Development to the Department for New Business Development; amends various KRS sections to conform; and confirms Kentucky Economic Development Partnership Resolutions 05-02 and 05-03.

SB 75

AN ACT relating to the hazardous waste assessment fee.

Amends KRS 224.46-580 to extend the hazardous waste assessment fee from June 30, 2006, to June 30, 2008, and provides that the fee be waived for a generator who owes less than \$50 for the year; and requires return to be filed by generators who receive a waiver, although the fee is waived.

SB 76

AN ACT relating to hazardous waste management.

Amends KRS 224.46-520 to authorize the Environmental and Public Protection Cabinet to review applications to cease postclosure monitoring of hazardous waste disposal sites at any time during the 30-year postclosure period; and allows the cabinet to require additional measures after termination of postclosure monitoring and maintenance of a permitted facility.

SB 78

AN ACT relating to physician assistants.

Amends KRS 311.840 to license physician assistants; amends KRS 311.842 to require the Kentucky Board of Medical Licensure to promulgate administrative regulations relating to the issuance and renewal of licenses; amends KRS 311.844 to establish licensing requirements; creates an inactive status license; establishes requirements to which a person on inactive status must adhere; amends KRS 311.845, 311.846, 311.848, 311.850, 311.852, 311.854, 311.856, 311.860, and 311.862 to conform; and clarifies that Kentucky-certified physician assistants in good standing on the effective date of this Act shall automatically become licensed under this Act.

SB 81

AN ACT relating to the definition of "limousine."

Amends KRS 281.014 to change the definition of "limousine" to permit rather than require a limousine to have additional rear seating capacity, area, and comforts.

SB 82

AN ACT relating to wineries and making an appropriation therefor.

Amends KRS 243.255 to delete provision allowing a small farm winery to sell and transport wine directly to a retail drink or retail package license holder; amends KRS 244.165 to add a provision allowing a small farm winery from another state to ship wine to a customer in Kentucky if the wine is purchased by the customer in person at the winery and is shipped by a common carrier; limits wine to two cases; amends KRS 260.166 to require the Kentucky Grape and Wine Council to report its activities by November 1 of each year to the Interim Joint Committee on Licensing and Occupations; creates a new section of KRS Chapter 260 to establish the Kentucky small farm wineries support fund; earmarks funds; provides \$200,000 for the promotion and marketing of small farm wineries; requires that marketing promotions be developed by the Kentucky Grape and Wine Council in collaboration with the Kentucky Department of Agriculture and the Kentucky Department of Tourism; provides that \$100,000 be used by the Kentucky Grape and Wine Council in collaboration with the Kentucky Departments of Tourism and Agriculture to establish a local marketing cost-share program; provides \$75,000 for payment to wholesalers that participate in the wine distribution program; creates a small farm winery wholesalers' license; sets out duties and privileges of the small winery wholesaler; amends KRS 241.010 to define terms; amends KRS 243.030, 243.037, 243.884, 244.050, and 100.111 to conform; creates a new section of KRS Chapter 244 to establish labeling laws; repeals KRS 243.186; amends the provisions of KRS 243.110 to apply to entities besides corporations; amends KRS 243.884 to make the exemption of small farm wineries from the alcohol wholesale tax permanent for out-of-state small farm wineries; allows small farm winery wholesaler licensees to have their licensed premises on or in the licensed premises of a small farm winery; provides that small farm wineries may continue to sell to retail package or retail drink license holders until the new small farm winery wholesaler's license is available; and provides that the provisions of the Act take effect on January 1, 2007.

SB 83

AN ACT relating to the threshold amount for postsecondary institution capital construction projects that are self-performed.

Amends KRS 164A.585 to increase the threshold amount from \$100,000 to \$200,000 for postsecondary capital construction projects that are self-performed, to be consistent with the threshold for state agencies.

SB 84

AN ACT relating to the planning and budgeting threshold amounts for state capital projects.

Amends KRS 7A.010 and KRS 45.750 to increase the threshold amounts for state capital projects for planning and budgeting purposes as recommended by the Capital Planning Advisory Board in the 2006-2012 Statewide Capital Improvements Plan; and amends KRS 45A.023 to permit the Department of Military Affairs and the Office of Security Coordination to enter into multiyear contracts for projects financed 100 percent by federal grants.

SB 88

AN ACT relating to telecommunications equipment for the deaf.

Amends KRS 163.525 to change the term “telecommunications device for the deaf,” or “TDD,” to “specialized telecommunications equipment” and defines the term; changes the term “TDD distribution program” to “Telecommunications Access program”; and amends KRS 163.527, KRS 278.547, and KRS 278.5499 to conform.

SB 89

AN ACT relating to reorganization.

Amends various sections of the Kentucky Revised Statutes to abolish the Kentucky Coal Council and create the Office of Energy Policy; creates within the Commerce Cabinet the Office of the Kentucky Sports Authority and the Office of Arts and Cultural Heritage; attaches the Northern Kentucky Convention Center to the Commerce Cabinet for administrative purposes; creates an advisory board to the Office of Energy Policy; creates a new section of KRS Chapter 148 to establish the Kentucky Recreational Trails Authority and provides for the appointment of members to the authority; amends KRS 12.020, 42.016, and 154.40-020 to administratively attach the Eastern Kentucky Exposition Center to the Commerce Cabinet; repeals KRS 154.12-250, 154.12-252, 154.12-255, 176.510, and 176.511; and confirms Executive Order 2005-561 and 2005-1358 to the extent not otherwise confirmed by this Act.

SB 91

AN ACT relating to licensing massage therapists.

Amends KRS 309.353 to delete the letters “M.T.” as an appropriate abbreviation for a licensed massage therapist; amends KRS 309.355 to add language requiring the board to investigate alleged violations brought to its attention and gives the board the authority to administer oaths and to require the production of documentation or other evidence; amends KRS 309.357 to clarify late renewal fee amounts for up to 60 days after licensure expiration and provides an additional fee for those more than 60 days late; amends KRS 309.358 to include the National Certification Board for Therapeutic Massage and Bodywork as a certifying agency; amends KRS 309.359 to allow the board to grant reciprocity to individuals who it deems worthy and who transfer from states or countries with standards below Kentucky’s; amends KRS 309.361 to allow the board to approve waivers or extensions of continuing education requirements; amends KRS 309.362 to limit fines to \$500 or less; creates an inactive license and a license fee for massage therapists who do not choose to renew and a process to regain active status when appropriate; amends KRS 309.363 to update curriculum requirements and staff qualifications; and creates a new section of KRS 309.350 to 309.364 to make violation a Class B misdemeanor.

SB 93

AN ACT relating to crimes and punishments and declaring an emergency.

Creates a new section of KRS Chapter 525 to establish the crime of disorderly conduct in the first degree when a person engages in disorderly conduct at a funeral, burial, funeral home, funeral procession, or memorial service; establishes disorderly conduct in the first degree as a Class A misdemeanor; amends KRS 525.060 to conform;

creates a new section of KRS Chapter 525 to establish the crime of disrupting meetings and processions in the first degree when a person disrupts a meeting or procession associated with a funeral, burial, or memorial service; amends KRS 525.150 to conform; creates a new section of KRS Chapter 525 to establish the crime of interference with a funeral in any manner by interfering with access into or from any location, parking lot, or burial plot in which a funeral, wake, memorial service, or burial is being conducted, congregating within 300 feet, or without authorization making other sounds within earshot of or images observable to participants, or distributing literature; and establishes a criminal penalty; EMERGENCY

SB 97

AN ACT relating to business authorized by a transitional license for alcoholic beverage sales.

Creates a new section of KRS Chapter 243 to provide for the issuance of a transitional license by the Division of Malt Beverages or the Division of Distilled Spirits during the time a transfer of an ongoing business is being processed; provides limitations on the use of the transitional license; and amends KRS 243.030 and 243.040 to establish license fees.

SB 98

AN ACT relating to administrative regulations.

Amends KRS 13A.250 to require an administrative body which promulgates an administrative regulation relating to any aspect of state or local government to consider the costs to the state or local government; authorizes the affected state or local governments to comment on the proposed administrative regulations; and requires submission of a fiscal note.

SB 102

AN ACT relating to urban-county governments.

Amends KRS 67A.6901 to define “corrections personnel” and “firefighter personnel”; and amends KRS 67A.6902-67A.6906, KRS 67A.6908, and KRS 67A.6910 to include corrections and firefighter personnel.

SB 105

AN ACT relating to reorganization.

Amends various sections of the Kentucky Revised Statutes to rename the Education, Arts, and Humanities Cabinet as the Education Cabinet; creates new offices in the Education Cabinet; transfers the Council on Postsecondary Education and the Education Professional Standards Board to the Education Cabinet; transfers various units to the Commerce Cabinet; amends KRS 12.023 to abolish the Office of Early Childhood Development; abolishes the Cabinet for Workforce Development and transfers the duties and responsibilities to the Education Cabinet and the Department of Workforce Investment; abolishes the Department for Adult Education and Literacy in the Cabinet for Workforce Development and transfers its duties to the newly created Kentucky Adult Education Program in the Council on Postsecondary Education; amends various sections to conform; repeals KRS 12.401, 151B.023, 151B.215, 151B.260, 156.120, 156.497,

156.666, and 200.711; confirms Executive Order 2005-576 dated June 20, 2005, as it relates to the Education Cabinet; creates a new section of KRS Chapter 12 to provide that the board of directors for the Center for School Safety, the Council on Postsecondary Education, the Department of Education, the Education Professional Standards Board, the Kentucky Board of Education, the Kentucky Commission on Deaf and Hard of Hearing, and the Kentucky Educational Television shall be governed by their respective substantive statutory chapters; and lists in noncodified language the structure of the Department of Education, two divisions included in the Office of Employment and Training, the establishment of the office of the executive director in the Education Professional Standards Board, and the abolishment of former divisions in the Education Professional Standards Board and the Council on Postsecondary Education.

SB 106

AN ACT relating to breast-feeding.

Creates a new section of KRS Chapter 211 to permit a mother to breast-feed her baby or express breast milk in any location, public or private; requires that breast-feeding may not be considered an act of public indecency, indecent exposure, sexual conduct, lewd touching, or obscenity; prohibits a municipality from enacting an ordinance that prohibits or restricts breast-feeding in a public or private location; excludes breast-feeding from the definitions of “indecent exposure,” “sexual conduct,” “lewd touching,” “obscenity,” and similar terms; and prohibits interference with a mother breast-feeding her child in any public or private location.

SB 107

AN ACT relating to viatical settlement brokers.

Amends KRS 304.15-700 to provide that an insurance agent licensed with a life line of authority shall be deemed to meet the requirements of a viatical settlement broker without obtaining a license as a viatical settlement broker; requires a life insurance agent operating as a viatical settlement broker to have in force evidence of financial responsibility in the form of an insurance policy in the sum of not less than \$20,000 for any single occurrence and \$100,000 in the aggregate for all occurrences in 1 year, cash deposited with the executive director in the sum of \$20,000, or an agreement between the viatical settlement provider and the agent to add the agent as an additional insured on the viatical settlement provider’s errors and omission insurance in the amount of \$20,000; reduces the financial responsibility requirements for issuance of a license as a viatical settlement broker or viatical settlement provider to \$20,000 per occurrence, rather than \$500,000 per occurrence, and \$100,000 in the aggregate, rather than \$1.5 million for all occurrences within 1 year; and provides that this provision does not apply to a life insurance agent operating as a viatical settlement broker pursuant to this Act.

SB 108

AN ACT relating to retirement for police and firefighters in urban-counties and declaring an emergency.

Amends KRS 67A.345 to establish September 18, 2002, as the date for eligibility for continued participation in group health insurance for those who withdrew from service under a certificate; amends KRS 67A.402 to require members who purchase

service credit to file an application no later than 60 days prior to the anticipated service purchase payment date; deletes the prohibition of the payments being considered accumulated contributions of the member; amends KRS 67A.404 to permit service credit purchases based on service only on or after September 18, 2002; amends KRS 67A.410 to permit retirement after 20 years of service only after September 18, 2002; deletes other provisions establishing service required for retirement; amends KRS 67A.430 to increase the minimum retirement annuity from \$1,000 to \$1,250; makes payment of benefits retroactive to July 1, 2005; provides for lump sum payments to retirees or surviving spouses as prescribed; amends KRS 67A.450 and 67A.460 to conform; amends KRS 67A.490 to increase from \$300 to \$1,500 the death benefit as prescribed; amends KRS 67A.492 to increase from 1 to 3 years the time that a surviving spouse must have been married to a member in order to receive the prescribed benefits; makes the benefits provided available to a surviving spouse of member who died on July 14, 2000, or thereafter; amends KRS 67A. 560 to require the commissioner of law of the urban-county to serve as legal adviser to the board; permits the board to hire independent counsel; amends KRS 67A.570 to permit the board to invest in international or other securities permitted under federal law; and creates a new section of KRS 67A.360 to 67A.690, relating to requirements for the maintenance, security, disposition, and transferal of private account information of members, former members, and retirees, to require member authorization for the release of information, authorize the delivery of copies of notarized records or an affidavit in lieu of personal testimony for subpoenaed information as prescribed, require delivery for such records or affidavits, establish requirements for transmittal and disposal of records used in depositions, and establish the acceptable means for the proof of such records; EMERGENCY.

SB 111

AN ACT relating to aerial imagery.

Creates a new section of KRS Chapter 11 to require all entities within Kentucky that create or purchase aerial imagery of locations in Kentucky, using public funds in whole or in part, to provide a copy to the Commonwealth Office of Technology without cost; excludes aerial images which are vector-based; requires imagery to be added to Kentucky's secure Geospatial Data Warehouse for official government use only; and prohibits disclosure of imagery to the general public if requested by the provider.

SB 120

AN ACT relating to fish and wildlife.

SB 120 amends KRS 48.315 to delete KRS 150.150 and 235.330, the game and fish fund statutes, from the list of funds that may be transferred in a budget bill to the general fund.

SB 122

AN ACT relating to recreational vehicles.

Creates a new section of KRS Chapter 227 to require that all recreational vehicles and park trailers sold, leased, or offered for sale by a retailer to a consumer in the state are constructed in accordance with the most recent American National Standard Institute standards; amends KRS 227.590 to delete the authority of the board to regulate

recreational vehicle shows in the Commonwealth; amends KRS 227.620 to establish a fee of \$25 for a Class B seal; requires the office of the state fire marshal to provide the application for the seal and the seal; amends various sections of KRS Chapter 227 to delete references to the Recreational Vehicle Certification and Licensure Board and references to recreational vehicles under the provisions of the chapter; and repeals KRS 227.565.

SB 123

AN ACT relating to the transfer of money and other things of value and declaring an emergency.

Establishes KRS Chapter 366A to be cited as the Kentucky Money Transmitters Act of 2006; creates new sections of KRS Chapter 366A to define terms; requires persons engaged in the business of money transmission to be licensed on or after October 1, 2006; exempts governmental entities and banks organized pursuant to 12 U.S.C. 181 to 1867 or corporations organized pursuant to 12 U.S.C. 611 to 633 from the licensing requirements; authorizes the executive director of the Office of Financial Institutions to prescribe the licensing form containing listed information; requires each licensee to have a net worth of no less than \$500,000 at all times; requires a surety bond or similar security in the amount of at least \$500,000 for each licensee, subject to increase to \$5 million at the discretion of the executive director based upon the applicant's financial condition and other criteria; requires each licensee to maintain permissible investments, as defined, that have a market value computed in accordance with generally accepted accounting principles equal to the aggregate amount of all outstanding payment instruments; requires a nonrefundable license application fee of \$500 if made on or before March 31, and \$250 if made after March 31, with the license to remain in force through September 30 of the year the license is issued; authorizes the executive director to assess a reasonable fee for agents of licensees by administrative regulation; requires the executive director to investigate each applicant and determine if the applicant meets the requirements of this chapter, to approve or deny an application, to place a licensee on probation, to deny or refuse to renew the designation of an agent; provides that any person aggrieved by such action of the executive director may file an application for appeal of the executive director's denial; requires an annual renewal fee of \$500 no later than September 20 of each year to be accompanied by a written renewal report as prescribed by the executive director; requires a licensee to file a written report with the executive director within 15 business days of the occurrence of listed events; provides for license expiration for failure to pay the renewal fee; requires a licensee to notify the executive director in writing of a proposed change of control by written request for approval of the acquisition, accompanied by a fee of \$100 and proof that after investigation the executive director may approve or disapprove the change of control; authorizes the executive director to conduct an examination or investigation, with or without prior notice, of a licensee or any of its agents, which may be conducted jointly with the federal or another state government; requires each licensee to make, keep, and preserve specified books, records, and accounts for a period of 5 years, including retention in electronic format; requires that records located out of state shall be accessible to the executive director upon 7 business days' notice; requires every licensee and its agents to file all reports set forth in the federal Bank Secrecy Act pertaining to money laundering; provides that filing with

the appropriate federal agency shall be deemed compliance with this requirement; provides that documents, materials, reports, or other information in the possession or control of the executive director are confidential, privileged, and not subject to the Open Records Act; provides that the executive director may share information in his or her possession with federal, other state and international regulatory agencies or law enforcement agencies, and the Money Transmitter Regulators Association, may enter into agreements for sharing such information with other jurisdictions, may disclose a list of persons licensed under this chapter, and may disclose any order issued against a licensee, its agents, or responsible individuals of the licensee, but shall specify that sharing of information shall not compromise the confidentiality requirement; requires licensees to enter into express written contracts with any agent or agents; requires agents to adhere to a specified code of conduct; authorizes the executive director to issue a written order to suspend or revoke a license for specified violations of this chapter, valid for a period of 3 years, with the right to an appeal for an administrative hearing with the executive director; authorizes the executive director to issue a written order to suspend or revoke an agent's license for specified violations of this chapter, valid for a period of 3 years, with the right to an appeal for an administrative hearing with the executive director; authorizes the executive director to issue a cease and desist order for violation of this chapter or regulations promulgated pursuant to this chapter if the person fails to show cause why the order should not be issued; allows the executive director to petition the Franklin Circuit Court or any court of competent jurisdiction for issuance of an injunction or other appropriate relief for violation of this chapter; authorizes the executive director to enter an emergency order suspending, limiting, or restricting a licensee's or agent's license without prior notice or hearing if there is a threat of immediate or irreparable harm to the public health, safety, or welfare including conviction of a felony involving theft, fraud or breach of trust, indictment, or conviction under the USA PATRIOT Act of 2001, suspension or revocation of a license in another state or country, listing of a licensee or its agent on the blocked persons list prepared by the United States Department of the Treasury or Department of State as a potential terrorist threat, or for insolvency or bankruptcy, subject to appeal by the licensee or agent; authorizes the executive director to levy a civil penalty of \$1,000 to \$5,000 per day per violation of this chapter or regulation promulgated pursuant to this chapter; authorizes the executive director to enter into a consent order with a person to resolve a matter arising under this chapter; authorizes the executive director to stay, suspend, or postpone the effective date of an order issued under this chapter; permits a person aggrieved by an order of the executive director under this chapter to file an application for an administrative hearing, with appeal as a matter of right to the Franklin Circuit Court; authorizes any person aggrieved by the conduct of a licensee or an agent under this chapter to file a complaint with the executive director who is required to investigate the complaint and permitted to take corrective action; prohibits knowingly filing any record containing a false statement, misrepresentation, or false certification, subject to prosecution as a Class D felony; prohibits knowingly engaging in activity for which a license is required under this chapter, subject to prosecution as a Class C felony; requires that all administrative proceedings under this chapter comply with KRS Chapter 13B; authorizes the Office of Financial Institutions to exercise all state administrative functions relating to regulation, supervision, and licensing of money transmitters; requires licensees and agents to comply with all applicable federal and state

laws; provides that a license issued under KRS Chapter 366 shall expire at midnight on September 30, 2006, and all licensees must seek renewal pursuant to this chapter; establishes that the intent of the General Assembly is to ensure safe and sound money transmission and to ensure that the business of money transmission is not used for criminal purposes, to protect the public interest; amends KRS 378.070 to provide that actions on preferential transfers of property be brought within 90 days of the transfer instead of within 6 months and to extend the recovery period to 1 year where the transaction is between insiders, parallel to federal bankruptcy code; repeals KRS 366.010, 366.020, 366.023, 366.030, 366.040, 366.050, 366.060, 366.070, 366.080, 366.090, 366.100, 366.110, 366.120, 366.140, 366.150 and 366.990; requires the Reviser of Statutes to renumber KRS Chapters 287, 288, 290, 291, 294, 366, 366A, and 368 as subtitles to a single KRS Chapter entitled the "Kentucky Financial Services Code"; and, requires the Reviser of Statutes to renumber KRS 287.011, 287.012, 287.013, 287.020, and 287.025 as part of a separate subtitle of the code created by this Act and adjust reference numbers throughout the Kentucky Revised Statutes to conform; EMERGENCY.

SB 124

AN ACT relating to special license plates.

Amends KRS 186.166 to prohibit certain logos or slogans which are a representation of the word "Kentucky" from appearing on special Purple Heart license plates; amends KRS 186.162 to reduce the initial fee for the Law Enforcement Memorial Special License Plate from \$75 to \$38 dollars; allows motorcycles to receive qualifying special license plates after the owner pays the special plate fee in lieu of regular motorcycle registration fees; requires that before the motorcycle version of an existing special plate is issued, the sponsoring agency must have received 300 applications and collected initial state fee; and amends KRS 186.050 to conform.

SB 127

AN ACT relating to medical licensing.

Amends KRS 311.550 to limit the scope of a special faculty license to those practices that are incidental to the licensee's academic appointment; amends KRS 311.571 to limit the scope of a special faculty licensee's practice to those activities that are necessarily a part of the licensee's academic work; amends KRS 311.592 to allow an emergency order to be issued when grounds for the issuance of a motion to revoke probation or an order of indefinite restriction exists; amends KRS 311.594 to establish procedures for taking disciplinary action against licensees suspected of violating the board's order of indefinite restriction; amends KRS 311.605 to require agents of the board to obtain the licensee's consent or a search warrant prior to entering the licensee's premises or seizing evidence from the licensee; and amends KRS 311.990 to elevate a first-time offense of practicing medicine without a license from a Class A misdemeanor to a Class D felony.

SB 130

AN ACT relating to educational assessment and accountability.

Amends KRS 158.6453 to establish that, beginning in 2007-2008, the assessment program for middle and high schools under the Commonwealth Accountability Testing System (CATS) shall to be known as the “Kentucky Work and College Readiness Examination” or “Readiness Examination”; requires the Readiness Examination to include a high school readiness exam to be administered in grade 8, a college readiness exam in grade 10, and the ACT exam to be administered in grade 11, to assess English, reading, mathematics, and science; requires the Readiness Examination to include any other component necessary to comply with the federal No Child Left Behind Act; requires the Readiness Examination to permit students in grades 10, 11, and 12 to take WorkKeys workplace readiness assessments; requires students who score high on a component of the Readiness Examination to be counseled to enroll in accelerated or advanced placement courses; requires the Kentucky Department of Education (KDE) to pay for the administration of the ACT exam for all students in grade 11 and the initial administration of WorkKeys assessments; establishes that the Readiness Examination shall be administered in lieu of a customized or commercially available norm-referenced test; requires students with low scores on the WorkKeys assessments to have intervention strategies for accelerated learning incorporated in their learning plans; requires the issuance of Kentucky employability certificates to students meeting the WorkKeys threshold established by the Cabinet for Workforce Development; requires KDE to seek input from the Office of Education Accountability, the School Curriculum, Assessment, and Accountability Council, and the National Technical Advisory Panel on Assessment and Accountability (NTAPAA) regarding reducing the number of questions on CATS if the Readiness Examination provides direct measures of Kentucky’s Core Content for Assessment; establishes the kinds of accommodations to be provided for students with disabilities taking the ACT exam; requires an individual student report be provided to parents for each student in grade 5 summarizing the student’s readiness in reading and mathematics based on the student’s 4th-grade CATS results; requires the school’s 5th-grade staff to develop a plan for accelerated learning for any student with identified deficiencies; requires individual reporting of student results on the Readiness Examination; requires that student results on the ACT and WorkKeys exam shall be recorded on a student’s high school transcript; creates a new section of KRS Chapter 158 to require a high school to offer a student who receives low scores on the Readiness Examination to have intervention strategies for accelerated learning incorporated into their learning plan; requires KDE, the Council on Postsecondary Education, and public universities to provide technical assistance to schools and school districts in the development of accelerated learning programs; requires KDE to pay for a second administration of the ACT test for a student who has participated in an accelerated learning program; establishes that the cost of any subsequent administrations of the ACT exam shall be paid by the student; and amends KRS 158.6455 to require KDE to consult with NTAPAA for adjustments to the formula for the accountability index or the baseline required if substantive changes are made to the assessment and accountability system.

SB 131

AN ACT relating to gas distribution utilities.

Creates a new section of KRS Chapter 278 requiring the Public Service Commission to approve certain 20-year contracts with utilities for purchase of synthetic gas made from Kentucky coal.

SB 132

AN ACT relating to fish and wildlife license violations.

Creates a new section of KRS Chapter 150 to authorize the Department of Fish and Wildlife Resources to enter reciprocal agreements with other states relating to violations of hunting and fishing laws; requires administrative regulations to be promulgated; amends KRS 150.280 to allow the department to revoke a hunting or fishing license for violations of KRS Chapter 150, administrative regulations promulgated by the department, or hunting and fishing laws of the federal government; amends KRS 150.990 to require that an individual who fails to appear pursuant to a citation or summons for violation of KRS Chapter 150 or administrative regulations promulgated thereunder forfeits his or her hunting and fishing license; requires courts to notify the department when an individual fails to appear pursuant to a citation or summons for violation of KRS Chapter 150 or administrative regulations promulgated thereunder; and amends KRS 150.990 to increase minimum and maximum penalties for violation of several sections of KRS Chapter 150.

SB 133

An Act relating to military affairs.

Amends KRS 36.040 to authorize the adjutant general to enter into federal agreements to carry out needs of the Department of Military Affairs; amends KRS 61.394 to increase the number of days of annual military leave from 15 days to 21 days for the National Guard and Reserve; amends KRS 38.250 to conform; amends KRS 171.782 to permit the Kentucky Military Heritage Commission to have designees take the place of the named members; amends KRS 304.13-063 to include an actuarially sound automobile insurance reduction for military members who take a defensive driving class from the United States Armed Forces; and delays the effective date for the amendment to KRS 304.13-063 to January 1, 2007.

SB 136

AN ACT relating to surface coal mining.

Amends KRS 350.060 by deleting provisions exempting operations affecting two acres or less which commenced on or before June 5, 1987, and ended on or before November 7, 1987, from KRS Chapter 350 requirements; deletes provisions relating to permit renewal applications that are not timely filed; amends KRS 350.075 by deleting an obsolete statutory language requirement to submit mining regulations to the federal government on or before August 1, 1986; amends KRS 350.090 by deleting the exception for applications or renewals submitted in compliance with KRS 350.060(2) from submission requirements relating to methods of operation, grading, backfilling, and reclamation plans; amends KRS 350.093 by deleting the exception of actions by third parties from coverage by bond; amends KRS 350.445 by deleting "support coal mining

activities” language from the requirements of a permanent road constructed on land above the highwall; and repeals KRS 350.285, relating to removal of coal on private land.

SB 137

AN ACT relating to blasting.

Amends KRS 351.315 to extend to certified surface coal miners the requirement that an applicant for renewal of a blaster’s license must have attended blaster’s training during the preceding three years.

SB 138

AN ACT relating to penalties.

Amends KRS 351.990 to increase the fines for violating KRS 351.315 to 351.375; and provides a civil fine for a blasting operation that results in the death or serious physical injury of a person.

SB 141

AN ACT relating to long-term care facility inspections.

Amends KRS 216.530, relating to long-term care facilities, to prohibit a person from giving advance notice of inspections; and provides that if a state employee gives notice of an inspection, he or she is subject to dismissal.

SB 143

AN ACT relating to the board of accountancy.

Amends KRS 325.230 to allow the board of accountancy, by administrative regulation, to increase the per diem paid to each member of the board from \$100 to an amount not to exceed \$200.

SB 146

AN ACT relating to supported living.

Amends KRS 210.770 to name the supported living program the Hart-Supported Living Program and clarify definitions; amends KRS 210.775 to change the selection procedures and the composition of the State Supported Living Council; amends KRS 210.780 to change the duties of the State Supported Living Council; amends KRS 210.790 to make a change in the eligibility requirements for services; amends KRS 210.795 to change program standards; and repeals KRS 210.785.

SB 147

AN ACT relating to forestry.

Amends KRS 149.350 to establish the Forestry Best Management Practices Board administrative procedures, funding, and reporting requirements.

SB 148

AN ACT relating to motor vehicle license fees.

Amends KRS 186.050 to provide that each applicant for registration of a motor vehicle have the opportunity to make a donation of \$2 to promote hunger relief; requires the fee to be paid to the county clerk and transmitted to the Department of Fish and

Wildlife Resources to be used in accordance with KRS 150.015; permits the county clerk to retain 5 percent of the fees associated with the collection of this contribution; establishes that the donation is voluntary and may be refused by the applicant; specifies that the \$2 contribution shall only be added to the cost of registration if the applicant elects to donate; amends KRS 150.015 to require the Department of Fish and Wildlife Resources to establish a program to promote hunger relief; amends KRS 150.150 to direct that the program use funds from voluntary motor vehicle registration contributions and a minimum \$25,000 annually from the fish and game fund; and requires separate accounting of funds and reporting of expenditures to the governor and the Legislative Research Commission.

SB 154

AN ACT relating to business organizations.

Creates two new subchapters of KRS Chapter 362, relating to partnerships, to adopt with changes the Uniform Partnership Act, as approved by the National Conference of Commissioners on Uniform State Laws in 1994 and with amendments thereto in 1997, and the Uniform Limited Partnership Act, as approved by the National Conference of Commissioners on Uniform State Laws in 2001; creates a new section of KRS Chapter 275, the Kentucky Limited Liability Company Act, to permit the conversion of a limited liability company to a limited partnership; amends KRS 446.010, relating to definitions for the Kentucky Revised Statutes, to provide that the word “partnership” shall include all varieties of both general and limited partnerships, unless otherwise required by the context; amends KRS 365.015, 313.310, 148.851, 164.6011, 274.005, 275.010, 292.310, 342.0011, and 67.750, various sections in Title XI, relating to revenue and taxation, and various sections in KRS Chapter 154, relating to state development, to conform; and repeals the Uniform Partnership Act, KRS 362.150 to 362.360, the Kentucky Revised Uniform Limited Partnership Act, KRS 362.401 to 362.525, and remaining sections of KRS Chapter 362 relating to registered limited liability partnerships, merger of various partnerships with other business entities, and suits by and against partnerships, effective January 1, 2008.

SB 155

AN ACT relating to telecommunications.

Amends various sections of KRS Chapter 15 dealing with training and certification of telecommunicators for law enforcement; adds requirements for psychological suitability, polygraph, and drug screening; makes the Kentucky Law Enforcement Council, rather than the Justice Cabinet, responsible for certification of programs; and makes the Department of Criminal Justice Training, rather than the Justice Cabinet, responsible for certification of trainees; and provides that telecommunicators not in compliance are subject to termination and being barred from reemployment in a similar job for a year.

SB 157

AN ACT relating to special license plates.

Amends KRS 186.164, relating to procedures for establishing a new special license plate, to allow the sponsoring entity to set a recommended contribution, not to exceed \$10, that the individual receiving the plate may opt out of paying.

SB 166

AN ACT relating to residential hospice facilities.

Creates a new section of KRS Chapter 315 to define “automated pharmacy system” and “residential hospice facility”; permits a pharmacy to provide services to a residential hospice facility by an automated system under supervision of a pharmacist; requires inventory of the automated system to be considered inventory of the pharmacy; requires administrative regulations by the Board of Pharmacy on operation of automated pharmacy systems; amends KRS 315.300 to specify that a pharmacy may provide pharmacy services through an automated pharmacy system; creates a new section of KRS Chapter 216B to require compliance with licensing requirements; and creates a new section of KRS Chapter 218A to permit a residential hospice facility to obtain pharmacy services through an automated pharmacy system and to require compliance with reporting requirements.

SB 170

AN ACT relating to emergency management services license plates.

Amends KRS 186.162 to change the disaster and emergency management license plate to the emergency management license plate; and amends KRS 186.164 and 186.166 to conform.

SB 171

AN ACT relating to public safety and declaring an emergency.

Creates a new section of KRS Chapter 11 to require the Commonwealth Office of Technology, to the extent money is available, to establish a statewide planning and mapping system for public buildings; specifies what the planning and mapping system is to include; requires state agencies and political subdivisions to participate in the mapping system and to provide specified information for inclusion in the system; requires the Commonwealth Office of Technology to seek federal funds for the mapping system, to distribute grants to state agencies and political subdivisions; empowers the agency to accept gifts, grants, and contributions; creates annual reporting requirements to give an overview of the system; and amends KRS 198B.010 to exclude a building used by 35 persons or less on a daily average census for religious and educational purposes from the definition of “educational occupancy”; EMERGENCY.

SB 174

AN ACT relating to mental retardation.

Amends KRS 202B.021 to specify that a physician may admit a person with mental retardation to an ICF/MR; amends KRS 202B.100 to require documentation of the findings of a psychological examination or assessment showing moderate to severe mental retardation in a petition for involuntary hospitalization; permits the court to order

a more current examination if necessary; specifies that one of the professionals examining the person shall have special training and expertise in mental retardation and work in a community setting and that one shall be an employee of a state-operated ICF/MR; amends KRS 202B.170 to permit the court to order the person to reside in his or her current residence, an emergency placement designated by a regional mental health/mental retardation program, or an ICF/MR; requires documentation of a current physical examination that documents no serious medical issues and a copy of the psychological examination or assessment documenting moderate to severe mental retardation when admitted to an ICF/MR; creates a new section of KRS Chapter 205 to define "aging caregiver" as an individual over age 60 who provides care for an individual with mental retardation or a developmental disorder; requires, if funds are available, the Department for Mental Health and Mental Retardation with the Department for Medicaid Services and the Division of Aging Services to establish a centralized resource and referral center to provide aging caregivers with information and assistance for long-term supports; requires the center to provide information and printed material on specified services; requires the center to operate a toll-free number and track services provided; requires the center to make information available to persons participating in a Medicaid consumer-directed program; permits the department to contract for center services; permits the cabinet to provide center services to caregivers of any age; and requires a report to the Interim Joint Committee on Health and Welfare on center contacts and services provided.

SB 175

AN ACT relating to anesthesiologist assistants.

Requires the Legislative Research Commission to study the certification and scope of practice requirements of anesthesiologist assistants in Kentucky compared to those requirements in all states that statutorily license or certify anesthesiologist assistants; and requires the results of the study to be transmitted to the appropriate committees by December 15, 2006.

SB 179

AN ACT relating to notary publics.

Amends KRS 423.010 to require a notary to prove to the court his or her obligation with good security by a notarized statement from, and not the personal appearance of, the person providing the security.

SB 180

AN ACT relating to access to primary health care for the uninsured.

Creates a new section of KRS Chapter 211 to require the Cabinet for Health and Family Services to establish the Kentucky Physicians Care Program if funds are available; permits the program to operate and maintain a toll-free hotline referral service, maintain records, and provide client referrals; permits the program to create temporary volunteer advisory committees, apply for and accept funds, and contract with an independent third party to provide services; establishes eligibility criteria; provides that an individual qualified for government medical assistance programs is not eligible; provides that applicants for the program may reapply each year; prohibits charging fees;

and requires the cabinet to promulgate administrative regulations to implement the provisions of this Act.

SB 182

AN ACT relating to military license plates.

Amends KRS 186.041, relating to military license plates, to eliminate the requirement that discharged and retired applicants for military license plates show proof of eligibility upon renewal.

SB 191

AN ACT relating to workers' compensation.

Creates a new section of KRS Chapter 342, relating to workers' compensation, to establish a self-insurance fund for the purpose of making payments to workers' compensation claimants injured prior to March 1, 1998, when the securer of a former self-insured employer is depleted; provides for an executive director and employees to administer the fund; provides that fines and penalties for violation of KRS 342.267 and 342.990 shall be paid into the self-insurance fund; provides for administration of the fund; and amends KRS 342.990 relating to workers' compensation penalties to conform.

SB 200

AN ACT relating to mine safety.

Creates new sections of KRS Chapter 352 to provide for telephone or equivalent two-way communication facilities in underground and surface coal mines by September 1, 2006; allows use of the beltway or return air courses for communications lines with approval from the executive director of the Office of Mine Safety and Licensing for mines with seams 26 inches or less; clarifies that the requirement for a surface telephone line to activate an emergency action plan is for underground licensed facilities; requires that by September 1, 2006, licensed facilities will be able to activate emergency action plans; requires facilities to submit emergency action plans when making an application for a license; establishes content requirements for the emergency action plan and identifies where copies of the plan are made available; requires the emergency action plan to contain a training schedule and a log of the training on the mine site; requires the implementation of emergency evacuation plans and firefighting programs; requires mapping of working sections in a mine and the designation of escapeways; requires escapeway drills at all licensed coal mines; establishes a permanent six-member Mine Equipment Review Panel, which will review and recommend commercially available mine safety equipment to the Office of Mine Safety and Licensing; amends KRS 351.010 to define "mine manager"; amends KRS 351.025 to delete requirement that the owner intentionally violate an order before penalties can be assessed against the licensed facility and for appeals on the imposition of penalties for violations of roof control plans and mine ventilation plans; allows penalties to exceed the statutorily imposed limit for roof control and ventilation violations of \$5,000 and allows for the underlying violation to accompany the penalty upon an appeal; requires the commissioner to impose fines for roof control and ventilation violations; provides that the fine shall not exceed \$5,000; amends KRS 351.070 to authorize the commissioner to assess civil monetary penalties for roof control plans and mine ventilation plans not to exceed \$5,000; requires that

administrative regulations be promulgated in 90 days to implement the penalties; amends KRS 351.090 and KRS 351.140 to require three inspections for underground coal mines; prohibits alteration of an accident scene; allows a designee of the mine foreman to report an accident; amends KRS 351.175 to require ventilation plans and roof control plans be submitted along with requests for licenses and that appeals for revocations of licenses be to Franklin Circuit Court; amends KRS 351.190 to include entrapments, roof falls, and inundation of the mine with liquid or gas in the events that trigger a mine rescue; amends KRS 352.010 to define “mine manager” and “serious physical injury”; amends KRS 352.020 to require mine ventilation plans and revisions to existing mine ventilation plans be submitted to and approved by the executive director of the Office of Mine Safety and Licensing; prohibits use of return air courses as primary escapeways absent approval by the executive director; requires use of fans to ensure air quality and equalization of the mine atmosphere; amends KRS 352.020 to allow the ventilation plan to be the same as submitted to the United State Mine Health and Safety Administration; requires self-contained self-rescuer devices be accessible to and reflective markers on the devices visible from the primary and secondary escapeways; requires deployment of the self-rescuer devices by July 1, 2007; provides a waiver if the devices are unavailable; requires proof of a valid purchase order for self-rescuer devices; requires the caches of self-rescuer devices be in sufficient numbers and at locations determined in accordance with the most recent rules, standards, and regulations of the United States Mine Health and Safety Administration; provides for one additional self-rescuer device which provides protection for one hour or longer; allows a mantrip to be used for locating a cache of self-rescuer devices; amends KRS 352.110 to conform; amends KRS 352.133 to delete requirement that the licensee can store self-contained self-rescuer farther than 25 feet; amends KRS 352.135 to delete use of return airway as an escape way and requires devices that direct miners to the surface at 100 foot intervals; amends KRS 352.150 to prohibit riding under the trolley wire; requires reporting of accidents that involve serious physical injury or loss of life or entrapment of an individual for more than 30 minutes within 15 minutes after actual knowledge of the occurrence or communications becomes available; establishes a \$100,000 penalty for failure to report; amends KRS 352.280 to make technical corrections and conform; amends KRS 352.320 to conform; amends KRS 352.340 to require examination of caches of self-contained self-rescuers and other devices and alarms; and amends KRS 352.350, 352.410, 352.420, 352.430, 352.450, and 352.460 to conform.

SB 202

AN ACT relating to osteoporosis.

Creates a new section of KRS Chapter 211 to establish a multigenerational osteoporosis prevention and education program to promote public awareness of the causes of osteoporosis, options for prevention, the value of early detection, and treatment, and to increase health care provider awareness of national clinical guidelines related to the prevention, diagnosis, and treatment of osteoporosis.

SB 204

AN ACT relating to public officers.

Amends KRS 69.360, relating to county detectives, to permit county detectives in counties other than a county containing a consolidated local government to serve civil process statewide if the detective is a certified peace officer or in the county by which employed if not a certified peace officer; and amends KRS 61.365, relating to federal peace officers granted Kentucky peace officer powers, to include United States National Park Service law enforcement rangers.

SB 205

AN ACT relating to the School Facilities Construction Commission.

Amends KRS 157.622 to permit offers of assistance to local school districts for building school facilities to be escrowed up to 8 years.

SB 219

AN ACT relating to easements.

Creates a new section of KRS Chapter 350 to create a statutory easement of necessity to conduct reclamation operations; specifies conditions to be met before easement is created; and sunsets creation of new easements of necessity for reclamation purposes on July 15, 2008.

SB 224

AN ACT relating to the Office of Housing, Buildings and Construction and its related boards and committees.

Amends KRS 198B.020 to indicate that any administrative regulations promulgated by the Board of Housing, Buildings and Construction for other than internal business are subject to new review and comment procedures; amends KRS 198B.030 to require the Office of Housing, Buildings and Construction to receive the comments of the relevant related board before promulgating administrative regulations if the subject matter of the regulation directly and clearly relates to the work of those regulated by the related board; limits approval time for related boards to 60 days for ordinary regulations and 30 days for emergency regulations, with the related board being given an opportunity to review and comment and with power reverting back to the office once the time lapses; declares that, in the event another section relating to the office's regulatory authority conflicts with the new procedure, the new procedure takes precedence; requires that the written comments of any related board be attached to any public submission of the regulation, including any filing under KRS Chapter 13A; directs that the powers and limitations on the office's regulatory procedures also apply to the executive director; amends KRS 198B.040 to create an identical regulatory procedure process for the housing, buildings, and construction board as that created for the office and the executive director; amends KRS 227.300, relating to fire prevention and protection, KRS 227.530 and 227A.040, relating to electricians, KRS 236.030, relating to boiler and pressure vessel safety, and KRS 318.077 and 318.130, relating to plumbers, to conform with the new procedures for the promulgation of housing, buildings, and construction administrative regulations; and amends KRS 227.560 to exempt the Manufactured Home

Certification and Licensure Board from the new provisions establishing the review and comment procedure for administrative regulations.

SB 225

AN ACT relating to mechanical inspections.

Amends KRS 198B.400 to define “escalator,” “moving sidewalk,” and “fixed guideway system”; requires persons inspecting fixed guideway systems to hold a certificate of competency from the Office of Housing, Buildings and Construction; amends KRS 198B.410 to require the office to promulgate administrative regulations establishing training and certification requirements for fixed guideway system inspectors; amends KRS 198B.420 to require the office to administer all aspects of the State Fixed Guideway System Inspection Program; deletes the provision capping the number of elevator inspectors the office may hire; amends KRS 198B.440 to conform; amends KRS 198B.460 to require an owner of a fixed guideway system to register each system with the office; amends KRS 198B.470 to require annual inspections of moving sidewalks and fixed guideway systems; amends KRS 198B.480 to make existing rules requiring an inspection of passenger elevators applicable to fixed guideway systems; requires that the owner of a fixed guideway system be apprised by the office of changes to be implemented to ensure the system complies with safety requirements; prohibits the operation of an elevator that has been inspected and that does not have a copy of the certificate of operation conspicuously posted on the system; amends KRS 198B.490 to conform; amends KRS 198B.500 to require that fixed guideway systems be equipped, maintained, and operated with specified mechanisms; creates an exception where reasonable safety may be obtained and where literal adherence to the required equipment is impractical; amends KRS 198B.510 to prohibit the issuance of a certificate of operation for a fixed guideway system if the system has not been inspected and a report of the inspection has not been filed with the office; requires that a permit be obtained prior to installing or moving a fixed guideway system to another location; requires that the construction plans be submitted with the application for a permit; amends KRS 198B.520 and 198B.530 to conform; amends KRS 198B.540 to permit the office inspector of fixed guideway systems to post a notice on or seal a system that is defective or dangerous; and prohibits anyone from removing the notice, seal, or barricade.

SB 226

AN ACT relating to water districts.

Repeals KRS 74.260; and amends KRS 353.651 to conform.

SB 230

AN ACT relating to captive cervid permits.

Creates a new section of KRS Chapter 150 to define “permit,” “applicant,” and “application”; creates a new section of KRS Chapter 150 to require the Department of Fish and Wildlife Resources to promulgate administrative regulations relating to the captive cervid permit within 60 days that are no more restrictive than the regulation currently in place other than the modifications required by this Act; makes an exception to stringency requirements for the Office of State Veterinarian and the department for reasons of disease control; requires the department to issue or deny permits for

propagation and taking of captive cervids within 30 days; creates a new section of KRS Chapter 150 to allow applicants to place primary containment fences on the property line; allows permittees to expand their facilities without requiring a new permit; allows permittees to transfer their permit after notifying the department; specifies that holders of captive cervid permits who violate statutes or administrative regulations pertaining to captive cervids have 60 days to come into compliance before cervids are seized by the department; specifies that seized cervids may be disposed of by the department; creates a new section of KRS 150 to ban importation of captive cervids into Kentucky; specifies that violation of captive cervid ban is a Class D felony; requires the Department of Fish and Wildlife Resources and the Department of Agriculture to issue reports to the Interim Joint Committee on Agriculture and Natural Resources by November 1 of each year concerning the status of chronic wasting disease; and allows the Department of Fish and Wildlife Resources to immediately seize, without compensation to the owner, captive cervids imported into Kentucky in violation of the ban.

SB 237

AN ACT relating to the bonding of oil and gas wells.

Amends KRS 353.590 to create a tiered structure for blanket bonding for both qualified and nonqualified operators; establishes additional requirements for qualified operators seeking a blanket bond; establishes methods for a qualified operator to demonstrate financial ability when seeking a blanket bond; requires operators that are corporate subsidiaries to have a corporate guarantee and specify the elements of a corporate guarantee; establishes standards that would prohibit an operator from obtaining a blanket bond; makes the new bonding requirements applicable only to permits issued on or after July 15, 2006; allows operators to increase their bond amounts if they had a bond in place prior to July 15, 2006; establishes standards which prohibit an operator from obtaining additional permits; makes internal subsection reference changes and renumbers to conform; and amends KRS 353.180, KRS 353.592, and KRS 355.730 to make internal subsection reference changes.

SB 239

AN ACT relating to employment at the Kentucky School for the Blind and the Kentucky School for the Deaf.

Amends KRS 18A.115 to exempt certified teachers at the Kentucky School for the Blind and the Kentucky School for the Deaf in the state's classified service; amends KRS 163.032 to allow teachers hired at one of the residential schools to receive credit for all their years of experience; provides that the attorney general shall appoint the members to a residential school teacher's tribunal under KRS 161.790; requires the Department of Education and the Personnel Cabinet to complete the hiring process within 2 weeks once a teacher has been selected for hiring at one of the residential schools; prohibits transferring residential teachers outside the county in which the school is located if not agreed to by the teacher; protects a teacher's accrued leave; and amends KRS 161.790 to conform.

SCR 98

Directs the Legislative Research Commission to study Kentucky's bicycling and pedestrian activities and options for increasing tourism-related opportunities and improving public health through bicycling and pedestrian activity.

SCR 130

Encourages the Kentucky Heritage Council and Dry Stone Conservancy of Kentucky to document rock fences worthy of preservation and to develop standards for preservation and protection.

SJR 176

Directs the Cabinet for Health and Family Services to apply to participate in any pay-for-performance demonstrations to improve the quality of long-term care that are solicited by the federal Centers for Medicare and Medicaid Services; and encourages the cabinet to explore opportunities to participate in federal Medicaid pay-for-performance demonstrations that would provide financial incentives to nursing facilities for improvements in outcomes of care.

SJR 184

Encourages the Cabinet for Health and Family Services to establish the Kentucky Youth Development Coordinating Council; establishes membership and permits the creation of subcommittees of the council; requires the University of Kentucky Cooperative Extension Service to perform the administrative functions of the council; establishes the duties of the council; requires the council to submit a report to the governor and the General Assembly by September 1 of each year; and requires all appropriate executive, judicial, and legislative branch agencies to cooperate with the council.

SJR 228

Recognizes the Kentucky Mesonet as the official source of climatological observations for the state.

House Bills

HB 3

AN ACT relating to sex offenses and the punishment thereof.

Amends KRS 17.165, relating to criminal record checks for child care workers, to define "sex crime"; amends KRS 17.495, relating to sex offenders living within 1,000 feet of restricted areas, to measure the distance from property line to property line; establishes a duty to determine the property distance; requires registrants to move if a new facility is opened; establishes criminal penalties; amends KRS 17.500 to define "approved provider," "sexual offender," "board," and "victim"; amends KRS 17.510, relating to the sex offender registration system, to require registration with the local probation and parole office; requires a new fingerprint card and photograph of the registrant every two years; requires sex offenders convicted in another country to register; requires sex offender who changes residence to notify probation and parole within 5 days of relocation; specifies that an out-of-state sex offender is presumed to know the duties required by the Commonwealth; requires that an offender must "knowingly" violate the registration requirements; increases the penalty for a second or subsequent offense for registration violation to a Class D felony; amends KRS 17.520 to require registrants to register for 20 years following confinement or 20 years following the maximum discharge date; amends KRS 17.580, relating to availability of information on the Web site, to include all registrants and enable people out of state to access this information; creates a new section of KRS 17.500 to 17.580 to prohibit the making of a false statement to a law enforcement official regarding a noncompliant registrant; prohibits harboring of a registered sex offender; sets criminal penalties; creates new sections of KRS Chapter 65 to specify responsibilities for enforcing, investigating, and prosecuting violations of the provisions of sex offender registration laws and to specify that it is the intent of the General Assembly to occupy the entire field of legislation relating to violent offenses and sex crimes; amends KRS 160.151 to require a national and state criminal background check; adds a definition of "contractor"; amends KRS 160.380, relating to school employees, to define "contractor"; provides that superintendents may require background checks of contractors, volunteers, or visitors; creates a new section of KRS Chapter 164 to provide that postsecondary education institutions shall obtain criminal background investigations of new employees and may obtain criminal background investigations on contractors, visitors, and volunteers; amends KRS 196.280, relating to notification of release from penitentiaries, to limit notification to youthful offenders; amends KRS 197.010 to add the definitions of "eligible sex offender" and "sexual offender"; amends KRS 197.440, relating to privileged communication, to specify that KRS 620.030 does not apply to this section; amends KRS 431.005 to permit a peace officer to arrest a person without a warrant but require that the officer must have probable cause to believe that the person is a sex offender who has neglected to comply with the Kentucky Sex Offender Registry requirements, based on information received from the Law Information Network of Kentucky; defines "peace officer" as a certified peace officer; creates a new section of KRS Chapter 439 to require probation and parole officers to be trained in the requirements of sex offender laws and to register sex offenders and answer their questions; requires the Justice Cabinet to provide copies of documents needed to register

sex offenders to each probation and parole office; amends KRS 439.3401, relating to violent offenders, to add various sex, prostitution, and child pornography offenses; amends KRS 439.265, relating to shock probation, to conform; amends KRS 441.046, relating to fingerprinting of person in adult or juvenile detention facilities, to require fingerprinting of an arrested person prior to the person's release from custody and to require that these fingerprints be transmitted to the Kentucky State Police for review; specifies the procedure when a jailer fails to comply; amends KRS 510.020, relating to lack of consent, to provide that a person is incapable of consent when he or she is under governmental custody or on probation or on parole; amends KRS 510.060, relating to rape in the third degree, to include a person in a position of authority who engages in sexual intercourse with a minor; amends KRS 510.090, relating to sodomy in the third degree, to include a person in a position of authority or special trust who engages in sexual intercourse with a minor under the age of 16; amends KRS 510.110, relating to sex abuse in the first degree, to establish that when a victim is younger than 12, the offense is a Class C felony; amends KRS 510.120, relating to sexual abuse in the second degree, to include a person in a position of authority or special trust who engages in sexual intercourse with a minor under the age of 16; amends KRS 510.155, relating to the procuring of minors via an electronic communications device, to include cellular telephones as a communications system; broadens the offense to include any activity that would violate KRS 510.060, 510.090, 529.030, or KRS Chapter 531; amends KRS 530.020, relating to incest, to include Class A, B, and C felonies; amends KRS 530.064, relating to an unlawful transaction with a minor in the first degree, to place sex offenses in a separate subsection from drug offenses; amends KRS 531.335, relating to possession of matter portraying a sexual performance by a minor, to reclassify all offenses as a Class D felony; amends KRS 531.340, relating to distribution of matter portraying a sexual performance by a minor, to add "she" and "her" and to reclassify subsequent offenses as a Class C felony; amends KRS 532.043, relating to requirements of conditional discharge for certain felonies, to add provisions regarding minors and felony offenses; requires 5 years instead of 3 years for conditional discharge; amends KRS 532.080, relating to persistent felony offender sentencing, to include one or more felony sex crimes and one or more felonies under first degree offense and have life without parole for 25 years; amends KRS 532.110, relating to concurrent and consecutive terms of imprisonment, to specify that a sex offender convicted of two or more sex offenses involving two or more victims shall serve consecutive sentences; amends KRS 533.090, relating to crime victim compensation, to include relocation expenses for safety; amends KRS 533.250, relating to pretrial diversion program in each judicial circuit, to specify that those on diversion on the effective date of the Act may remain on diversion; amends KRS 605.090, relating to alternative treatment for committed children, to include disclosing and sharing information for protecting any child; amends KRS 620.090, relating to temporary custody orders, to specify that no child shall be placed in a home with a child who has been committed to the Department of Juvenile Justice for commission of a sex crime; amends KRS 620.230, relating to case permanency plans, to prohibit placement of a dependent, neglected, or abused child with a child committed for the commission of sex crimes unless the sexually offending child is segregated; amends KRS 635.527 to establish that communications made in the application for or in the course of a child sexual offender's diagnosis and treatment be privileged; amends KRS

635.515, relating to treatment of juvenile sex offenders, to allow the 3-year time limit for treatment to be extended by 1 additional year by the sentencing court upon option of the Department of Juvenile Justice; amends various other statutes to conform; amends KRS 610.320 and various sections of the juvenile code to require court clerks to keep separate record books of specified offenses; provides peace officers access to juvenile court records; amends KRS 610.340 to prohibit prosecuting and other officials from making juvenile information public; restricts information to official use only and from making juvenile information public; and restricts information to official use only.

HB 17

AN ACT relating to acupuncture.

Creates new sections of KRS Chapter 311 to certify acupuncturists; defines terms; requires any person who practices acupuncture or who holds himself or herself out as an acupuncture practitioner to be licensed; establishes criteria for licensure; exempts other licensed professionals working within the scope of their practice; establishes an eight-member advisory council under the State Board of Medical Licensure and provides that members shall be appointed by the board; establishes the council's duties to include advising the board on certification renewal, continuing education, standards of practice, and more; makes board members' reimbursement consistent with state travel policies; requires an acupuncturist to review a patient's diagnosis if the patient is being treated by a physician; establishes certification requirements but provides that prior to July 1, 2007, an applicant that does not have 1,800 hours of training may be certified if the applicant meets other requirements and passes the specified examination, and that after July 1, 2007, the applicant is required to meet all certification requirements; provides for certification by endorsement for acupuncturists authorized to practice in another state; provides for temporary certification; requires the acupuncturist to obtain informed consent from the patient and to disclose to the patient the practitioner's qualifications and possible risks of treatment; requires acupuncturists to develop a written plan for consultation and emergency transfer; requires a patient with a potentially serious disorder or condition to consult with his or her physician before taking acupuncture treatment; establishes criteria to discipline acupuncturists; permits the board to revoke, suspend, deny, or impose probationary conditions upon a licensee who fails to conform to standards of acupuncture practice and establishes a maximum of \$2,000 for fines; provides statutory criteria for disciplinary proceedings against acupuncturists; and provides for emergency orders suspending, limiting, or restricting acupuncturists' certificates.

HB 23

AN ACT relating to management districts.

Amends KRS 91.756 to require a management district to annually submit its economic improvement plan to the local legislative body which created the district; requires approval by the local legislative body of the district's annual budget; establishes the schedule for such approval; limits the aggregate total of short-term and long-term debt that may be carried by a management district to \$500,000; amends KRS 91.758 to require the board to publish both the annual budget and economic improvement plan; amends KRS 91.760 to require all board of directors members to be property owners,

representatives of property owners, or tenants within the district with the exception of ex-officio members; requires two-thirds of the total number of board members to be property owners within the district or their representatives in lieu of requiring only a simple majority of the board to be property owners or their representatives; and amends KRS 91.762 to require a petition signed by a number of property owners equaling at least 50.1 percent instead of 75 percent of the assessed property value in the district and 33 percent of the total number of property owners in the district prior to the dissolution of a management district.

HB 28

AN ACT relating to electricians and electrical contractors.

Creates a new section of KRS 227.450 to 227.500 to enhance enforcement powers of electrical inspectors; amends KRS 227.480 to require localities to follow Office of Housing, Buildings and Construction standards for necessity of electrical inspections; authorizes the office to promulgate administrative regulations to specify inspection standards; amends KRS 227.491 to forbid an electrical inspector from certifying an unlicensed or unlawful electrical installation; amends KRS 227.500 to allow local governments to fix a penalty of \$1,000 for the first offense and \$2,000 for each subsequent offense for code violations when the penalty was initially recommended by an electrical inspector; amends KRS 227A.030 to require an unlicensed, nonresident electrician to apply for an electrician's license after being employed or engaged in electrical work in Kentucky for 10 consecutive days or a maximum of 30 days in any given calendar year; and directs that combined sections be known as "Isaac's Act."

HB 42

AN ACT relating to revenue bonds for city or county projects.

Amends KRS 103.2101 to require approval by the state local debt officer, in addition to the Kentucky Private Activity Bond Allocation Committee, for certain projects; requires substantiating documentation for findings of competitive disadvantage and lack of normal commercial financing; allows review for a project's economic growth and job-creation potential; includes the state local debt officer in project review; requires a written statement that relevant authorities have been notified of negative revenue impact of an economic development project for advisory purposes; imposes a maximum bond term of 20 years; amends KRS 103.200 to define "substantiating documentation"; and allows projects under consideration by February 1, 2006, to operate under existing program guidelines.

HB 45

AN ACT relating to caregivers.

Creates a new section of KRS Chapter 405 to require the Cabinet for Health and Family Services to create the KinCare Support Program and to establish services provided by the program; creates a new section of KRS Chapter 27A to require the Administrative Office of the Courts to develop a standard power of attorney for establishing an informal caregiver's authority to consent to medical treatment and to make school-related decisions for a minor; and requires the Cabinet for Health and

Family Services and the local circuit clerk to make the standard power of attorney available.

HB 46

AN ACT designating the Clarkson Honeyfest as the official state honey festival.

Creates a new section of KRS Chapter 2 to designate the Clarkson Honeyfest as the official state honey festival.

HB 54

An Act relating to consumer records.

Creates new sections of KRS Chapter 367 to permit a consumer to place a security freeze on the consumer's consumer report; requires the consumer reporting agency to place a security freeze on a consumer's consumer report no later than 10 business days after receiving a written request; prohibits release of a consumer's consumer report to a third party without written authorization from the consumer if a security freeze is in place; requires the consumer reporting agency to provide the consumer with a unique personal identification number or password for access to his or her credit file for a specified period; requires the consumer reporting agency to provide in writing to the consumer the process of placing, removing, and temporarily lifting a security freeze; permits the consumer to request in writing a replacement personal identification number or password; permits a third party to treat an application for credit as incomplete if the third party requests access to a consumer report on which a security freeze is in effect; provides a procedure for the consumer to temporarily lift a security freeze; requires a security freeze to remain in effect until the consumer requests that the security freeze be removed, but no longer than 7 years from the date the freeze was put into place; prohibits a security freeze from applying to a consumer report provided to certain entities; permits a consumer reporting agency to impose a reasonable charge not to exceed \$10 for initially placing, temporarily lifting, or removing a security freeze on a consumer file; permits the charge to be increased annually based on the consumer price index; permits damages if a person willfully fails to comply with this Act; provides damages if a person obtains a consumer report or requests a security freeze under false pretenses or in an attempt to violate state or federal law; provides damages for negligence in failing to comply with this Act; establishes a list of persons who are not required to place a security freeze on a consumer report; creates new sections of KRS Chapter 365 to require a business that disposes of any customer's records that are not required to be retained to take reasonable steps to destroy, or arrange for the destruction of, that portion of the records containing personal identifiable information by shredding, erasing, or otherwise modifying the personal information in the records to make it unreadable or indecipherable through any means; and amends KRS 434.870 to define "person" to include sole proprietorship, limited liability company, or any entity however organized and whether or not organized to operate for profit.

HB 55

AN ACT relating to smoking.

Mandates a written smoking policy be adopted for state government buildings, which may specifically prohibit smoking in the building; provides guidelines for

compliance; provides local control regarding smoking policies in buildings owned and controlled by local governments; provides that the board of regents or trustees be responsible for adopting a written smoking policy regarding buildings owned, operated, or under the control of postsecondary education institutions.

HB 57

AN ACT relating to organ and tissue donation.

Creates a new section of KRS Chapter 194A that requires the Cabinet for Health and Family Services to facilitate the establishment of a statewide organ and tissue donor registry for transplantation purposes, contingent upon available funding; permits contracting for gatekeeper functions relating to the registry; requires collaboration among the Transportation Cabinet, the Circuit Court Clerks Trust for Life, Kentucky Hospital Association, Kentucky Medical Association, and organ procurement organizations to develop implementation strategies and evaluation; and permits the Cabinet for Health and Family Services to promulgate administrative regulations.

HB 67

AN ACT relating to substances in the body.

Establishes a new section of KRS Chapter 72 to require the State Medical Examiner's Office to submit an annual report to the secretary of the Justice Cabinet regarding the number of deaths in each county and the major categories or generic names of the drugs involved; amends KRS 189A.105 to specify that when a person is charged with violation of KRS 189A.010 and a fatal accident is involved, law enforcement is required to seek a search warrant for blood, breath, or urine testing if consent is not given; and specifies that if testing pursuant to warrant reveals the presence of alcohol or other impairing substances in the defendant, the defendant is required to make restitution to the state for the cost of testing.

HB 68

AN ACT relating to the donation of food.

Amends KRS 217.127 to exempt safe and apparently wholesome food donated by retail food establishments or any other entity regulated under KRS 217.127 from further inspection or regulation if the donated food has been inspected under the provisions of KRS 217.127; amends KRS 413.248 to clarify that the civil and criminal immunity of a person who donates wholesome food to a nonprofit organization for distribution to the needy includes an individual, corporation, partnership, organization, association, or retail food establishment; and amends KRS 139.480 to exempt donated food by a retail food establishment from the use tax.

HB 78

AN ACT relating to tobacco warehouses.

Amends KRS 154.01-010 to include tobacco warehouses in the definition of "project" for economic development funding purposes.

HB 79

AN ACT relating to a school employee on active military duty.

Amends KRS 161.168 to require a local board of education to grant a leave of absence to a certified employee who is a member of a state National Guard or a Reserve component ordered to active military duty by the president of the United States; requires that the Commonwealth of Kentucky, rather than a local school district, pay a certified employee's retirement contribution for the period of military active duty; and amends KRS 161.550 to require the state to provide annual appropriations to cover the cost.

HB 80

AN ACT relating to students called to military active duty.

Amends KRS 38.470 to require that a student called to federal military active duty shall receive credit for academic work completed to the date of absence and reasonable time to make up missed work.

HB 81

AN ACT changing the classification of the City of Taylorsville in Spencer County and declaring an emergency.

Reclassifies the City of Taylorsville in Spencer County from a city of the sixth class to a city of the fifth class; EMERGENCY.

HB 90

AN ACT relating to graduated driver's licenses for teenagers.

Amends KRS 186.450 and creates new sections of KRS Chapter 186 to require a person at least 16 years of age and under 18 years to hold an instruction permit for 180 days before applying for an intermediate license; requires a person to hold an intermediate license for 180 days and complete a driver training program before applying for an operator's license; makes a permit valid for 3 years and an intermediate license valid for 2 years; requires a person applying for an intermediate license to present a statement to State Police signed by a parent or a guardian attesting to at least 60 hours of supervised driving, including at least 10 hours at night with a licensed person at least 21 years of age; requires a 180-day extension to the permit or intermediate license for violations of graduated driver's license passenger and curfew restrictions, moving violations for which points are assessed, and violations of KRS 189.010(1); requires the State Police to affix a sticker to an intermediate license and update computer information; requires that the intermediate license be carried while operating a vehicle; prohibits a driver with an intermediate license from driving between midnight and 6 a.m.; prohibits a driver with a permit or an intermediate license from driving at any time with more than one person not related to the driver who is under the age of 20 years; exempts farm vehicles registered under KRS 186.050(4) from passenger restrictions if the operator is engaged in agricultural activities; exempts permit and intermediate license holders from passenger restrictions if they are accompanied by a driving instructor from a driver training school or secondary school; amends KRS 186.412, 186.470, 186.480, 186.6401, and KRS 186.990 to conform; provides that the issuance of an intermediate license shall begin on April 1, 2007, and the issuance of the permanent license shall begin on October 1, 2007; and establishes the effective date of the amendments relating to the issuance of

an instruction permit to any person who obtains or renews an instruction permit on or after October 1, 2006.

HB 92

AN ACT relating to youth smoking.

Amends KRS 438.011 to prohibit family members from providing tobacco products to children in custody of the state; and permits a child to participate in public health smoking cessation efforts if services are not offered at the child's placement.

HB 94

AN ACT relating to mobile and recreational vehicle parks.

Amends KRS 219.410 to exclude mobile home and recreational vehicle parks owned and operated on a temporary or seasonal basis by a city, county, charter county, urban-county, or consolidated local government or its agencies; specifies that nothing in the provisions of KRS 219.310 to 219.410 shall apply to festivals lasting not more than 30 days that are organized and operated by a city, county, charter county, urban-county, or consolidated local government or its agencies; and requires that all installations of manufactured homes and mobile homes exempted by this subsection shall be performed by an installer certified under KRS 227.560 in accordance with the manufacturer's instructions, if available, or ANSI 225.1 Manufactured Home Installations.

HB 102

AN ACT relating to nursing.

Creates a new section of KRS Chapter 314 to enact and enable Kentucky to enter into the Nurse Licensure Compact with all other jurisdictions that legally join in the compact; declares the purpose of the compact; defines terms; recognizes a multistate licensure privilege to practice for registered nurses or practical nurses; permits the Kentucky Board of Nursing to limit or revoke the multistate licensure privilege of any nurse to practice in Kentucky; establishes application requirements; requires reporting of any actions taken by the Kentucky Board of Nursing to the home state of the licensee; establishes a coordinated licensure information system and provides for the interchange of information among compact states; provides immunity for party states, officers, employees, or agents of a party state's nurse licensing board who act in accordance with the provisions of the compact; prohibits amendment of the compact unless the amendment has been enacted into the laws of all party states; provides for severability for any provision in the compact that is contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person, or circumstance; amends KRS 314.011 to include individuals who hold the privilege to practice in the definitions of "nurse," "registered nurse," and "licensed practical nurse"; amends KRS 314.021 to permit individuals privileged under the compact to practice in Kentucky and to make it unlawful for any nurse, employer of nurses, or any person having knowledge of facts to refrain from reporting to the board a nurse who has been convicted of any felony or a misdemeanor involving drugs, alcohol, fraud, deceit, falsification of records, breach of trust, physical harm or endangerment to others, or dishonesty under the laws of any state or of the United States or a nurse who has a license, privilege, or credential to practice as a nurse denied, limited, suspended,

probated, revoked, or otherwise disciplined in another jurisdiction on grounds sufficient for these actions in the Commonwealth; amends KRS 314.042 to authorize the board to issued a registration to practice advanced registered nursing to an applicant who holds the privilege to practice as a registered nurse under the compact if the registered nurse has met all of the requirements for advance registered nursing practice; requires the advanced registered nurse to maintain an active registered nurse license issued by the Kentucky Board of Nursing or to hold a current privilege to practice as a registered nurse in Kentucky; amends KRS 314.046 to permit a registered nurse privileged in Kentucky to make the actual determination and pronouncement of death for hospice patients; amends KRS 314.085 to authorize the board to require a holder of a privilege to practice as a nurse to submit to a mental-health, chemical-dependency, or physical evaluation if there is reasonable cause to believe that the holder is unable to practice with reasonable skill and safety or has abused alcohol or drugs; amends KRS 314.089 to authorize the board to temporarily suspend or take disciplinary action against a privilege of a nurse granted under the compact; amends KRS 314.091 to authorize the board to reprimand, deny, limit, revoke, probate, or suspend any privilege to practice as a nurse granted under the compact; amends KRS 314.099 to establish that the jurisdiction of the Kentucky Board of Nursing includes individuals granted the privilege to practice nursing under the compact; creates a new section of KRS Chapter 314 to define the terms “registered nurse,” “licensed registered nurse,” “practical nurse,” or “licensed practical nurse” used in KRS to include individuals licensed, credentialed, or privileged under KRS Chapter 314; amends KRS 314.101 to permit nurses licensed in another state to practice in Kentucky during an emergency occurring in the Commonwealth or any other state declared by the president of the United States or the governor of Kentucky; authorizes the board to determine the duration and conditions of the practice during the emergency; and authorizes a nurse licensed in another state who is in the Commonwealth on a nonroutine basis to provide nursing consultation services or present continuing education programs; EFFECTIVE JUNE 1, 2007.

HB 110

AN ACT relating to agritourism.

Amends KRS 247.804 to change the membership of the Agritourism Advisory Council.

HB 111

AN ACT relating to the removal of Social Security numbers from marriage licenses.

Amends KRS 402.100 to delete the requirement for the inclusion of a Social Security number on a marriage license; deletes the requirement for the county clerk to store the Social Security number; requires a Social Security number, if possessed by a party to a marriage license, to be used as a form of identification; permits, at the time of issuance of a marriage license or certificate, the county clerk or deputy clerk to request other forms of identification if a party does not have a Social Security number; requires the Social Security number to be forwarded to the agency responsible for enforcing child support and to be stored by that agency with a nonidentifying numeric; and prohibits the Social Security number from being released to the public.

HB 112

AN ACT relating to establishment of an interstate compact to regulate designated insurance products.

Establishes Subtitle 50 of KRS Chapter 304 and creates a new section thereof to establish the Interstate Insurance Product Regulation Compact and make Kentucky a member of the compact; provides that among its purposes, the compact is to develop uniform standards for insurance products pertaining to individual and group annuity, life insurance, disability income, and long-term insurance products; creates among the compacting states a joint public agency known as the Interstate Insurance Product Regulation Commission; establishes powers of the commission; provides that each compacting state shall have one member of the commission; authorizes the commission to establish bylaws, a management committee, and legislative and advisory committees; provides that a uniform standard shall become effective 90 days after its promulgation by the commission or such later date as determined by the commission; permits a compacting state to opt out of a uniform standard; provides that the commission shall attempt to resolve any disputes which may arise between two or more compacting states; requires insurers and third-party filers who seek to have a product approved by the commission to file the product with the commission and pay filing fees; provides for appeal of disapproval of a product; authorizes the commission to accept contributions and other forms of funding from the National Association of Insurance Commissioners, compacting states, and other sources; provides that any state is eligible to be a compacting state; provides that the compact shall become effective upon legislative enactment by two compacting states; provides that the compact shall be effective for adopting uniform standards for products filed with the commission only after 26 states are compacting states or states representing greater than 40 percent of the premium volume for life insurance, annuity, disability income, and long-term care insurance products based on records of the National Association of Insurance Commissioners for the prior year; provides for withdrawal from the compact; provides for action by the commission upon default by a compacting state; provides for dissolution of the compact; and provides that all lawful actions of the commission are binding upon the compacting states.

HB 117

AN ACT relating to public health.

Amends KRS 214.155 to include all tests for heritable disorders to be performed as recommended by the American College of Medical Genetics; amends KRS 211.900 to add a definition of "lead-based paint" and "lead-based hazard"; adds pregnant women and children 72 months of age and younger residing in a dwelling painted prior to 1978 in areas defined as high risk to the definition of "at-risk persons"; adds a definition of "elevated blood lead level"; adds a definition of "confirmed elevated blood lead level"; amends KRS 211.901 to delete lead testing requirements; amends KRS 211.902 to require reporting of blood lead tests with a 2.3 microgram per deciliter of whole blood lead level; requires elevated blood lead level tests to be reported to the cabinet in an approved electronic form within 7 days; requires the cabinet to promulgate administrative regulations to prescribe the format and content of the electronic report; exempts labs from repercussions of not reporting when the information is not reported to them; requires the

cabinet to analyze and geographically index reports by county annually and submit an annual report; amends KRS 211.903 to require priority for testing blood lead levels be given to persons 72 months of age and younger; amends KRS 211.905 to specify that when a child has an elevated blood level, cabinet representatives are required to inspect the dwelling and other places the child routinely spends more than 6 hours per week; increases lead hazard removal period from 30 to 60 days; amends KRS 200.658 to add two members to the Kentucky Early Intervention System Interagency Coordinating Council; amends KRS 189.515 to require persons aged 16 and younger to wear protective helmets when riding or operating an ATV; amends KRS 189.125 to require primary enforcement of the seat belt law; amends KRS 189.990 to specify that the fine for a violation of the mandatory seat belt law may be prepaid; exempts all fines, not just prepaid fines, for violations of KRS 189.125(6) from court costs; amends KRS 431.452 to conform; creates a new section of KRS Chapter 189 to prohibit law enforcement agencies from erecting roadblocks for the sole purpose of checking for violations of the seat belt law; requires the Transportation Cabinet to erect signs on the interstate system notifying motorists of the requirement to use seat belts in the Commonwealth; prohibits roadblocks for the sole purpose of enforcing any provision of KRS 189.125; and adds a new section to delay enforcement of the provisions of the seat belt law until January 1, 2007, and to require that officers issue a courtesy warning rather than a citation for a violation of KRS 189.125(6) until January 1, 2007.

HB 121

AN ACT relating to disclosure of information about sprinkler systems in long-term care facilities.

Creates a new section of KRS 216.537 to 216.590 to define “long-term care facility”; requires long-term care facilities that do not have a sprinkler system in each resident room to explain details about the facility’s sprinkler system to the resident and whether any rooms in the facility are not equipped with a sprinkler; requires long-term care facilities to obtain a written acknowledgment that the person is aware of the absence of a sprinkler system; and prohibits the acknowledgment from containing a statement that releases the facility from any liability arising from the absence of a sprinkler system.

HB 125

AN ACT relating to educational rank.

Amends KRS 161.1211 to clarify Rank I status based on national board certification; and prohibits Rank I for those teachers who used national board certification to qualify if the certificate is revoked for misconduct or voided for other reasons.

HB 126

AN ACT relating to code enforcement boards.

Amends KRS 65.8505 to define “joint code enforcement board”; amends KRS 65.8808 to allow any local government to expand its code enforcement board to include additional cities or counties within its jurisdiction for performing the function for which the code enforcement board was organized; amends KRS 65.8811 to specify that a joint code enforcement board shall include representation on the board of all participating local governments and that the composition of the membership shall be set out in the interlocal

agreement as adopted; and specifies that board members representing joint code enforcement boards shall have resided within the boundaries of the local government they represent for a period of at least 1 year prior to the date of the member's appointment and shall reside there throughout the term of office.

HB 129

AN ACT relating to operator's licenses.

Amends KRS 186.540 to grant a free corrected drivers license to an individual if the individual's street name or address was changed and the person did not physically move to a new residence; amends KRS 186.560 to clarify that a suspension for fraudulent use of a driver's license or use of a fraudulent driver's license in an attempt to purchase alcoholic beverages shall be imposed for a violation of KRS 244.085(5); specifies that a suspension of the license of an individual under 18 for this offense shall be for 6 months for the first offense, 1 year for the second offense, and 2 years for subsequent offenses.

HB 131

AN ACT relating to health insurance.

Amends KRS 18A.225 to delete reference to dental insurance coverage and prepaid dental plan coverage; creates a new section of KRS Chapter 18A to require the secretary of the Finance and Administration Cabinet to procure a comprehensive dental insurance plan or plans and a vision plan or plans for state employees; requires certain dental insurance and vision insurance benefits; allows dental insurance and vision insurance to be available to all state employees on a voluntary payroll deduction basis; requires state employees to bear the entire cost of the policy premium for dental insurance and vision insurance; requires the dental and vision plans offered to state employees to comply with KRS 304.17A-270; requires the state employee health insurance plan, health benefit plans, Kentucky Access health benefit plans, and limited health service benefit plans that provide coverage for services rendered by physicians or osteopaths to provide the same payment for coverage for services rendered by optometrists, if services may be rendered by optometrists; requires the state employee plan to comply with KRS 304.17A-270 and KRS 304.17A-525; requires the state employee self-insured plan to include a mail-order drug option for maintenance drugs; prohibits a self-insured plan from discriminating against a retail pharmacy located in the geographic coverage area of plan; prohibits a retail pharmacy from being required to dispense by mail; prohibits net cost to the plan for quantity of maintenance drugs dispensed by mail to exceed net cost to the plan for same quantity of same drug dispensed by retail pharmacy; amends KRS 18A.225 to require the fully insured health benefit plan and self-insured plan issued to public employees to comply with KRS 304.17A-600 to 304.17A-633, KRS 205.593, KRS 304.17A-700 to 304.17A-730, KRS 304.14-135, KRS 304.17A-580 to 304.17A-641, and KRS 304.99-123; requires the Finance and Administration Cabinet to procure dental and vision health discount plans for public employees; and requires health discount plans to be voluntary and at employees' cost.

HB 135

AN ACT relating to gubernatorial power to reschedule elections during a state of emergency and declaring an emergency.

Amends KRS 39A.100 to increase the number of days from 20 to 35 in which a delayed election is required to be rescheduled; and amends KRS 117.345 to require the State Board of Elections to pay a certain amount to each county for a delayed election; EMERGENCY.

HB 142

AN ACT relating to preneed funeral service or burial contracts.

Amends KRS 367.934 to require a preneed burial contract agent to produce either a certified state registrar death verification or a provisional certificate of death as described in KRS 213.076 concerning a person in order to receive trust funds from a financial institution under a preneed funeral service or burial contract for the service for that person; amends KRS 367.942 to direct preneed burial contract agent licensees to maintain a certified state registrar death verification or a provisional certificate of death as described in KRS 213.076 for each person for whose service the licensee received funds from the financial institution trustee, subject to examination by an authorized representative of the attorney general's office; and amends KRS 304.12-240 to apply the provisions to a life insurer if life insurance or annuity benefits are used to fund preneed funeral contracts or prearrangements.

HB 145

AN ACT relating to waste tires.

Amends KRS 224.50-868 to extend the waste tire fee until July 31, 2010; amends KRS 224.50-872 to require the Environmental and Public Protection Cabinet to report to the General Assembly by January 15, 2010, on the effectiveness of the waste tire program; and makes changes to conform.

HB 148

AN ACT relating to barbers.

Amends KRS 317.410 to add definitions for "independent contract owner," and "barber pole"; amends KRS 317.420 to prohibit the advertising of barbering services, by use of a barber pole or otherwise, unless the business and barber are licensed under this chapter; amends KRS 317.430 to increase the daily compensation of members of the barber board; amends KRS 317.440 to require the board to promulgate administrative regulations governing materials required for independent contractors; amends KRS 317.450 to update language regarding licensure reciprocity with other states; requires licensure applicants to have graduated from high school or passed the GED exam; allows the licensed owner of a barber shop and an unlicensed owner, who has a licensed barber in his employ, to rent or lease space in his or her shop to an independent contract owner; specifies requirements for licensing as an independent contract owner; provides a fee for licensing as an independent contract owner; amends KRS 317.540 to increase the number of students per licensed teacher from 15 to 20 in barber schools; amends KRS 317.580 to require barbers to wash their hands between each patron and to require a sink with hot and cold running water be located in the room where barbering is done; and amends KRS

317.590 to include independent contract owner barbers in the provisions for license revocation or suspension.

HB 151

AN ACT relating to indoor tanning devices.

Creates new sections of KRS Chapter 217 to define terms related to indoor tanning; requires persons between 14 and 17 years of age to present a written or electronic statement from a parent or guardian that indicates that they have read and understand the warnings given, that they permit the use of tanning devices, and that they agree the minor will use protective eyewear; requires the permission statement to be valid for 1 year; requires a person under the age of 14 years to be accompanied by a parent or legal guardian when using a tanning device; requires a warning statement pursuant to 21 CFR 1040.20 to be given to each customer; requires tanning facilities to maintain parental consent forms and written or electronic records of dates and duration of use by children 14 to 18, for not less than 2 years; requires indoor tanning facilities to register with the local department of health with an annual fee of \$20 dollars; requires the Cabinet for Health and Family Services to promulgate administrative regulations to implement the provisions of this Act; creates penalties for violation; and requires administrative hearings to be conducted in accordance with KRS Chapter 13B.

HB 155

AN ACT relating to emergency medical services.

Amends KRS 311A.015, relating to the Kentucky Board of Emergency Medical Services, to require the educator position on the board to be a person certified or licensed by the board; requires the election of the chair and vice chair of the board to be at the first meeting after September 1 of each year rather than in September; amends KRS 311A.020, relating to the duties of the board, to require the board to partner with other agencies in the development of trauma systems; amends KRS 311A.050, relating to training, to change the reference to in-house training to continuing education; changes the reporting of violations requirement to eliminate the requirement that individuals who are licensed by the board report violations, but retain reporting of violations by employers; amends KRS 311A.055, relating to complaints and discipline, to remove the executive director and board attorney from the preliminary inquiry board and replace them with a member of the board appointed by the chair and two persons representing the same classification of certification or licensure as the accused; requires only emergency medical services employers to be notified of hearings rather than all employers of the accused; amends KRS 311A.060, relating to sanctions for violations, to add the requirement for an acceptable plan of correction; provides that a private reprimand be given to the defendant and to the emergency medical services employer, rather than to all employers, of the defendant; amends KRS 311A.075, relating to immediate temporary suspension of license or certification, to permit such when an immediate temporary suspension is necessary to protect the public and to specify the persons who must concur in the action; amends KRS 311A.125, relating to requirements for recertification, to use the term continuing education rather than in-house conduct of emergency medical services training; attaches the board to the Kentucky Community and Technical College System (KCTCS); requires the board to make annual reports to the General Assembly,

the Kentucky Community and Technical College System, and the governor by September 1 of each year; establishes procedures by which employees of the board shall be transferred to the Kentucky Community and Technical College System and how employees who subsequently return to state employment may have records and months of service transferred back to the state system; establishes a provision by which the existing funding shall be transferred to the KCTCS; and establishes a personnel board to make recommendations on the board's executive director, attorney, and medical advisor.

HB 158

AN ACT relating to engineers and land surveyors.

Amends KRS 322.090 to limit engineer and land surveyor reexamination to applicants who have failed no more than two times; requires applicants who have failed an examination three or more times to submit a new application that includes evidence that the applicant has acquired additional knowledge; and directs the board to promulgate administrative regulations specifying the additional knowledge and qualifications that are necessary to apply for reexamination.

HB 159

AN ACT relating to foster parents.

Creates a new section of KRS Chapter 620 to specify rights and responsibilities of foster parents who contract with the Cabinet for Health and Family Services to include the right to timely notices, information about children placed in care, support services, and priority consideration for placement in specified circumstances; requires the Cabinet for Health and Family Services to train a designated foster parent in child abuse and neglect investigations in foster homes; and specifies that the rights granted do not establish monetary liability or cause of action against the cabinet.

HB 178

AN ACT relating to the relocation of a city in a county containing a city of the first class or a consolidated local government.

Amends KRS 81.380 to allow a city that is in the process of relocating, in addition to one that has completed relocation, to change its name in accordance with the provisions of this section.

HB 171

AN ACT relating to legal publications.

Amends KRS 83A.060 to allow city ordinance summaries to be prepared or certified by an attorney; amends KRS 91A.040 requirements for city audits and city audit financial statements; amends publication requirements for financial statements; amends KRS 424.120 to change criteria for newspaper publication selection for legal advertisements; amends KRS 424.130 to change requirements for the publication of delinquent taxes; allows use of the Internet for publication of delinquent taxes; places restrictions on Web sites chosen; amends KRS 424.160 changing requirements for publication leadings; requires the equivalent bulk discounts granted to private firms be granted to public entities required to publish notices; amends KRS 424.220 changing vendor amounts required to be published; requires appropriate officers to file one copy of

financial statements with GOLD; grants equivalent officers of municipal utilities the right to publish financial statements as cities may; and amends KRS 424.330 to increase publication fees from \$3 to \$5 per name on a list of delinquent taxpayers.

HB 181

AN ACT relating to prescription drugs.

Creates a new section of KRS 304.17A that requires health benefit plans that provide benefits for prescription drugs to include an exceptions policy or an override policy that provides coverage for the refill of a covered drug dispensed prior to the expiration of the insured's supply of the drug; requires insurers to provide notice in existing written or electronic communications to pharmacies doing business with the insurer, the pharmacy benefit manager if applicable, and to the insured regarding the exceptions policy or override policy; excludes refills for controlled substances; and permits an insurer to limit reimbursement to no more than three refills in a 90-day period.

HB 193

AN ACT relating to inmates.

Amends KRS 454.415, relating to inmate lawsuits, to require exhaustion of all administrative remedies prior to filing of a lawsuit; and deletes the provision permitting a court to continue an inmate lawsuit while the inmate exhausts administrative remedies.

HB 195

AN ACT relating to state employee conflict of interest.

Amends KRS 11A.040 and 45A.340 to allow interim state employees employed by the Department of Parks as craft-making demonstrators to sell craft items to state parks; creates a new section of KRS Chapter 148 to allow the commissioner of the Department of Parks to designate interim state employees as craftspersons; and allows sales by craftspersons to state parks only if their craft materials are not purchased with state funds.

HB 197

AN ACT relating to end-of-course examinations.

Creates a new section of KRS Chapter 158 to define "core courses"; requires that the Kentucky Department of Education begin developing standardized end-of-course examinations in Algebra I, Algebra II, and Geometry and pilot the tests no later than the end of the 2007-2008 academic year; requires reports of the pilot and policy options to the Interim Joint Committee on Education and the Education Assessment and Accountability Review Subcommittee; requires a majority of the test developers to be content teachers; prohibits scores on end-of-course exams as a criterion for a teacher's formal evaluation or for pay during the pilot period; and amends KRS 158.647 to specify that the Education Assessment and Accountability Review Subcommittee review proposals relating to end-of-course exams.

HB 206

AN ACT relating to emergency procedures in public schools.

Creates a new section of KRS Chapter 158 to define “building lockdown”; requires lockdown procedures to be established for school buildings; requires students, staff, and parents to be made aware of lockdown procedures; and requires a lockdown emergency practice to be held once during each school year.

HB 208

AN ACT relating to the designation of the official state dance.

Creates a new section of KRS Chapter 2 to name and designate clogging as the official dance of Kentucky.

HB 232

AN ACT relating to funeral establishments.

Amends KRS 316.010, relating to embalmers and funeral directors, to add definitions for “direct burial,” “embalming service establishment,” “funeral,” “full-service funeral establishment,” “memorial service,” and “visitation and ceremonial funeral service establishment”; redefines “funeral establishment” to include full-service funeral establishments, embalming service establishments, and visitation and ceremonial funeral service establishments; amends KRS 316.125 to reclassify funeral establishment licenses issued by the board into separate licenses for each of the three types of funeral establishments; requires establishment license applicants to designate the type of funeral establishment license sought in each application; creates a new section of KRS Chapter 316 to allow an existing funeral establishment licensee to be licensed as one of the three new types of funeral establishments under specified conditions; directs that a new license as a full-service funeral establishment or an embalming service establishment is effective until the date that the funeral establishment’s former license would have expired; requires that an existing funeral establishment granted a full-service funeral establishment license or an embalming service establishment license apply for renewal as the same new type of establishment when license renewal is due; directs that an existing funeral establishment that does not meet the definition of a full-service funeral establishment or an embalming service establishment shall be granted a license as a visitation and ceremonial funeral service establishment; establishes that the visitation and ceremonial funeral service establishment license is renewable as the same unless the board approves an application for a different type of license; exempts an existing visitation and ceremonial funeral service establishment from the requirement of ownership in whole or in part by an affiliated full-service funeral establishment; and states that the exemption will lapse if the visitation and ceremonial funeral service establishment is sold, ceases to exist, or engages in any activity that changes its license.

HB 234

AN ACT relating to business organizations.

Creates two new subchapters of KRS Chapter 362, relating to partnerships, to adopt with changes the Uniform Partnership Act, as approved by the National Conference of Commissioners on Uniform State Laws in 1994 and with amendments thereto in 1997, and the Uniform Limited Partnership Act, as approved by the National Conference of

Commissioners on Uniform State Laws in 2001; creates a new section of KRS Chapter 275, the Kentucky Limited Liability Company Act, to permit the conversion of a limited liability company to a limited partnership; amends KRS 446.010, relating to definitions for the Kentucky Revised Statutes, to provide that the word “partnership” shall include all varieties of both general and limited partnerships, unless otherwise required by the context; amends KRS 365.015, 313.310, 148.851, 164.6011, 274.005, 275.010, 292.310, 342.0011, and 67.750, various sections in Title XI, relating to revenue and taxation, and various sections in KRS Chapter 154, relating to state development, to conform; and repeals the Uniform Partnership Act, KRS 362.150 to 362.360, the Kentucky Revised Uniform Limited Partnership Act, KRS 362.401 to 362.525, and remaining sections of KRS Chapter 362 relating to registered limited liability partnerships, merger of various partnerships with other business entities, and suits by and against partnerships, effective January 1, 2008.

HB 238

AN ACT relating to the refund of unearned insurance premiums.

Amends KRS 304.14-600 to 304.14-625 to require an insurer to return promptly the unearned portion of any premium paid upon cancellation of an individually marketed individual Medicare supplement, individual health, or individual long-term care insurance policy; and provides that cancellation shall be without prejudice to any claim originating prior to the effective date of this Act.

HB 247

AN ACT relating to hay.

Amends KRS 260.033 to clarify that the Department of Agriculture shall administer a standard grading program for evaluating hay quality and shall promulgate administrative regulations to establish quality standards and procedures for grading hay; and makes technical corrections.

HB 250

AN ACT relating to accountants.

Amends KRS 325.261 to require accountants to complete 150 college semester hours which include a baccalaureate or masters degree conferred by a college or university; deletes provisions establishing the educational requirements a candidate must meet to sit for the examination; and creates a new section of KRS Chapter 325 to require that any person approved to sit for the examination prior to January 1, 2000, and who has not yet passed the test, shall meet current educational requirements.

HB 256

AN ACT relating to termination of employment.

Amends KRS 337.100 to prohibit employers from terminating a volunteer firefighter, rescue squad member, emergency medical technician, peace officer, or member of an emergency management agency who is absent for a period of no more than 12 months from the employee’s employment because of injuries incurred in the line of duty; and allows employers to request specified information about an injury from the appropriate supervisor, acting supervisor, or director of the volunteer fire department,

rescue squad, emergency medical services agency, law enforcement agency, or emergency management agency under whose command the employee was on active duty and on assignment with when the injury occurred, and a written statement from at least one licensed and practicing physician stating that the volunteer firefighter, rescue squad member, emergency medical technician, peace officer, or member of an emergency management agency is injured and a date for the employee's return to work.

HB 258

AN ACT relating to the evacuation and relocation of prisoners in jails and regional jails.

Creates a new section of KRS Chapter 441 to require jailers, in conjunction with the Department of Corrections and the Jails Standards Commission, to prepare evacuation and relocation procedures for jails in the event of an emergency that renders the jail uninhabitable either temporarily or permanently.

HB 265

AN ACT relating to respiratory care certificate renewal.

Amends KRS 314A.220 to remove the provision for a 30-day grace period for the January 30 biannual renewal of a respiratory care certificate.

HB 266

AN ACT relating to agriculture.

Repeals KRS 248.650, 248.652, 248.656, 248.658, 248.660, and 248.662, which relate to the creation and duties of the Agricultural Diversification and Development Council and the creation and uses of the agricultural diversification and development fund.

HB 267

AN ACT relating to agriculture.

Repeals KRS 260.040 to 260.160, relating to apples and strawberries; and amends KRS 260.010 and 260.990 to conform.

HB 268

AN ACT relating to fertilizers and pesticides.

Amends KRS 217B.050 to allow the department to promulgate administrative regulations establishing fees for carrying out the provisions of the chapter, but not establishing fees that would exceed existing statutory fees.

HB 272

AN ACT relating to highways.

Amends KRS 189.580, relating to the duties of individuals involved in traffic accidents, to require the driver to move the vehicle off the roadway of an interstate highway or parkway if the accident does not involve death or known or visible injury; permits an owner or operator of a vehicle to allow a properly licensed driver to move a vehicle off the roadway on his or her behalf in the event of an accident; allows officers to remove cargo or property obstructing the roadway without the consent of the owner;

provides exceptions to delay any removal of hazardous material or vehicle involved in injury-related accidents until after fire, medical, and police personnel have finished their duties at the accident scene; permits agency removing property from roadway to intervene in civil action to recover costs; and amends KRS 189.990 and 189.993 to require no penalty be assessed for a person who fails to remove a vehicle from the roadway or fails to report an accident as a result of being incapable.

HB 273

AN ACT relating to the Firefighters Foundation Program fund.

Amends KRS 95A.250 to require annual payments to the Kentucky Community and Technical College System and the Department of Military Affairs for each qualified fire and rescue coordinator employed; amends KRS 95A.280 to add reporting requirements; and amends KRS 95A.262 to allow specified programs to be funded if money is available from the Firefighters Foundation Program Fund for specified equipment and training programs.

HB 275

AN ACT relating to the sale of electric power from cooperatives to nonmembers.

Amends KRS 279.120 to allow rural cooperative corporations, formed on or before December 31, 2005, to supply electric energy to nonmembers if an hourly amount of electric energy is produced by a generator owned or leased by corporation and an hourly amount of electric energy was previously used by a member of the corporation; provides that a sale of electric energy to nonmember is considered member business; and requires an electric cooperative supplying energy to a nonmember to acquire a new base load generating facility.

HB 277

AN ACT relating to the promotion of history and declaring an emergency.

Creates new sections of KRS Chapter 42, relating to state property, to define “permitted” and “prohibited” historical displays; establishes guidelines for historical displays on state property; creates a new section of KRS Chapter 65, relating to local government, to establish guidelines for historical displays on local property; creates a new section of KRS Chapter 158, relating to schools, to establish guidelines for historical displays and instruction on school property; creates a new section of KRS Chapter 6 and amends KRS 7.090 to direct the Legislative Research Commission to display the national motto “In God We Trust” on the wall directly above and behind the dais of the Speaker of the House of Representatives; requires the display to be consistent with the historic and patriotic display in the United States House of Representatives; and adds a section directing the Historic Properties Advisory Commission to retrieve from the Hopkinsville Chapter of the Fraternal Order of Eagles the monument of the Ten Commandments that was displayed previously on the Capitol grounds, return it to the Capitol grounds, and place a marker beside the monument describing aspects of the legislative and judicial history of the monument; EMERGENCY.

HB 278

AN ACT relating to lights on slow-moving vehicles.

Amends KRS 189.050, relating to lighting requirements for vehicles, to require slow-moving vehicles operated between sunset and sunrise to display two rotating yellow beacons and four-way flashers; and amends KRS 189.287 to conform.

HB 283

AN ACT relating to weatherization and low-income heating energy assistance, making an appropriation therefor, and declaring an emergency.

Appropriates \$10 million from natural gas severance tax receipts in fiscal year 2005-2006 to support the crisis component of the Low Income Home Energy Assistance Program; EMERGENCY.

HB 285

AN ACT relating to special license plates.

Creates a new section of KRS Chapter 186 to permit a person to exchange one special license plate for a different special license plate without having to obtain a regular registration in between.

HB 289

AN ACT relating to computer-assisted hunting and wildlife harvesting.

Creates a new section of KRS Chapter 150 to prohibit hunting by computer-assisted remote control devices; prohibits providing facilities for computer-assisted remote control hunting; provides that the disabled hunter will not be adversely affected by the provisions of the Act; and amends KRS 150.990 to provide for a penalty.

HB 290

AN ACT relating to weapons.

Amends KRS 15.383, relating to marksmanship qualification for certified peace officers, to require the law enforcement agency employing the officer to keep records of firearms qualification; amends KRS 237.110 to specify that named active and retired federal civilian and military peace officers do not have to meet the training requirement for a concealed deadly weapon license; deletes provisions allowing requests for information from a requester that is not a bona fide law enforcement agency; provides for confidentiality of concealed deadly weapon class information; eliminates the requirement that instructors list names of students who fail the concealed carry class; deletes the requirement for inspection of classes; amends KRS 237.120 to permit an instructor trainer who permits his or her instructor certification to lapse a 180-day grace period to renew the certification upon completion of in-service training; amends KRS 237.122 to permit an instructor who permits his or her instructor certification to lapse a 180-day grace period to renew the certification upon completion of in-service training and increases the fee that an instructor may charge a person taking an instructor course from \$100 to \$150; creates a new section of KRS Chapter 237 to prohibit suspension or revocation of a concealed deadly weapon license except as provided in KRS 237.110 or, if applicable, KRS 237.138 to 237.142; creates a new section of KRS Chapter 237 to prohibit the seizure of lawfully owned weapons and ammunition during disasters and

emergencies; creates a new section of KRS Chapter 39A, relating to emergency management, to prohibit the suspension of concealed deadly weapon licenses or the seizures of lawfully owned weapons and ammunition during disasters; creates a new section of KRS Chapter 39B, relating to local emergency management, to conform; creates a new section of KRS Chapter 237 to permit an employee or other person to have a firearm in his or her vehicle on the premises of an employer; permits legal action in the event of wrongful dismissal; creates a new section of KRS Chapter 27A to assign record check duties to the Administrative Office of the Courts in performing record checks for concealed deadly weapon licenses; and restores the \$10 fee to the Administrative Office of the Courts for performing record checks.

HB 298

AN ACT relating to executive branch lobbying.

Amends KRS 11A.211 to establish a \$125 registration fee paid by employers of executive agency lobbyists and real parties in interest to the Executive Branch Ethics Commission; requires the fees to be deposited in a trust and agency account for the operations of the commission; and directs that these funds shall not lapse.

HB 299

AN ACT relating to energy independence.

Creates new sections of KRS Chapter 152 making findings concerning the need for national energy independence and the opportunity to be found in coal-to-liquid and coal-to-natural gas conversion and bio-based alternative fuels; directs the Office of Energy Policy to develop and implement a strategy for production of transportation fuels from fossil energy resources and biomass, plus encouragement of renewable energy sources; directs the Office of Energy Policy to report every 3 months on its progress, findings, and legislative recommendations to the governor and the Special Subcommittee on Energy; and creates a new section of KRS Chapter 45A directing the Finance and Administration Cabinet to require bidders for government construction contracts to include consideration of energy efficient HVAC systems, including geothermal.

HB 301

AN ACT relating to elections and declaring an emergency.

Creates a new section of KRS Chapter 119 to prohibit the paying of individuals based upon the number of voters registered or the number of voters of a particular party, political group, political organization, or voters of independent status registered; designates as a Class B misdemeanor; amends KRS 116.025 to provide that a registered voter who changes his or her county of residence without registering to vote in the new county while registration books are still open shall not vote in either the former or current county of residence; amends KRS 117.235 to prohibit electioneering on election day within 300 feet of a polling place; prohibits electioneering during the hours of absentee voting within any building where absentee voting is being conducted; and provides that the State Board of Elections may establish exceptions to the electioneering ban through administrative regulations; EMERGENCY.

HB 314

AN ACT relating to a veterans' personal loan program.

Creates a new section of KRS Chapter 40 to establish a veterans' personal loan program; limits to educational purposes a loan for the benefit of a veteran's child; includes parents of students in nonpublic preschool through grade 12 as eligible recipients of the veterans' personal loan program; and requires that an individual leave the United States Armed Forces under honorable or general conditions, rather than dishonorable conditions, to qualify for a loan under the veterans' personal loan program.

HB 327

AN ACT relating to agricultural records.

Creates new sections of KRS Chapter 257 to limit the release of certain critical infrastructure records and national animal identification system records; and amends KRS 257.010 to create a definition of "national animal identification system."

HB 333

AN ACT relating to crimes and punishments and declaring an emergency.

Creates a new section of KRS Chapter 525 to establish the crime of disorderly conduct in the first degree when a person engages in disorderly conduct at a funeral, burial, funeral home, funeral procession, or memorial service; establishes disorderly conduct in the first degree as a Class A misdemeanor; amends KRS 525.060 to conform; creates a new section of KRS Chapter 525 to establish the crime of disrupting meetings and processions in the first degree when a person disrupts a meeting or procession associated with a funeral, burial, or memorial service; amends KRS 525.150 to conform; creates a new section of KRS Chapter 525 to establish the crime of interference with a funeral by such means as blocking access to a building where a funeral is taking place, congregating or demonstrating within 300 feet of a funeral, or shouting or yelling within earshot of funeral participants; and establishes interference with a funeral as a Class B misdemeanor; EMERGENCY.

HB 336

AN ACT relating to soybeans.

Creates a new section of KRS 247. 510 to 247.595 to make any state assessment levied on soybeans become effective only upon the termination of the federal soybean assessment program; amends KRS 247.530 to allow an association that is representative of Kentucky soybean producers to apply to the State Board of Agriculture for approval to conduct a referendum to levy a state assessment on soybeans; amends KRS 247.552 to prohibit any referendum from levying an assessment greater than one-fourth of 1 percent of the net market price per bushel of soybeans; amends KRS 247.553 to assess soybeans used for seed stock based on the percentage allowed in KRS 247.552 multiplied by the posted county price for soybeans as posted by the local Farm Service Agency office for the county in which the purchaser is located; amends KRS 247.573 to change the makeup of the Kentucky Soybean Promotion Board; and makes technical corrections.

HB 337

AN ACT relating to the provision of telecommunications service.

Creates new sections of KRS Chapter 278 to define terms, including “basic local exchange service,” “nonbasic service,” “local exchange carrier,” “incumbent local exchange carrier,” “optional telephone feature,” and “package”; limits Public Service Commission (PSC) jurisdiction over telephone service beyond some consumer service areas and Federal Communications Commission-required oversight of wholesale transactions; allows telephone utilities to elect alternative regulation plans which reduce PSC oversight; eliminates most regulation of nonbasic services and allows rates for nonbasic service to be set by the marketplace; prohibits predatory pricing; retains PSC jurisdiction over agreements between incumbents and other local exchange carriers; prohibits redlining; caps rates for basic local exchange service from an electing utility for 5 years, then allows increase in accordance with regulation plan in place on June 30, 2006; retains PSC limited jurisdiction over complaints by consumers of basic service; permits intervention in complaint action before the PSC by interested party; caps rates for basic service from electing small telephone utility for 12 months, then allows increase limited by rise in consumer price index; removes requirement that telephone utilities file nonbasic contracts with PSC; allows basic service customers to purchase individual features and services outside of packages; limits termination charges applicable to a customer who wishes to return to basic service; requires terms and conditions to be provided to a customer who then will have 30 days to cancel any agreement; and excludes voice over internet protocol, or VoIP, from definition of “service.”

HB 341

AN ACT relating to education.

Directs the Department of Education to conduct a study to determine costs, benefits, feasibility, and implications of adoption of specifications for statewide education data designed to facilitate the exchange of information among different instructional and administrative software applications at the local, state, and federal levels; requires the study to include requirements for data security and a notification process when a breach of data security occurs; directs the study to recommend proposed priorities for implementation and the associated timelines; establishes a committee of stakeholders to guide the completion of the study; directs the study to be completed no later than November 1, 2006, with a final written report sent to the Interim Joint Committee on Education and requires an interim report no later than August 1, 2006; creates a new section of KRS Chapter 161 to require a teacher to submit to random drug testing for a period not to exceed 12 months if the teacher has been reprimanded or disciplined as a result of illegal use of controlled substances; and amends KRS 160.380 to allow a superintendent to transfer any employee charged with any offense which is classified as a felony to a second position until such time as the employee is found not guilty, the charges are dismissed, the employee is terminated, or the superintendent determines that further personnel action is not required.

HB 361

AN ACT relating to candidates.

Amends KRS 118.315 to reduce to two the number of petitioner signatures that a candidate for a board of education needs on the nominating petition; requires the petitioner to indicate the date he or she signs the nominating petition; and deletes the requirement that the petitioner provide a Social Security number.

HB 374

AN ACT relating to administrative regulations.

Amends KRS 13A.240 to require administrative bodies to provide an analysis as part of the regulatory impact analysis to explain how regulated entities will be impacted by an administrative regulation; amends KRS 13A.250 to require an administrative body that promulgates an administrative regulation relating to any aspect of state or local government to consider the costs to the state or local government; authorizes the affected state or local governments to comment on the proposed administrative regulations; requires submission of a fiscal note; amends KRS 13A.270 to require that electronic registration be available from a centralized state government Web site developed and maintained by the Commonwealth Office of Technology; and creates a new section of KRS Chapter 11 to require a small business ombudsman at each cabinet to respond to small business inquiries regarding administrative regulations, to provide information regarding the procedure for submitting comments on administrative regulations, and to report annually to the Commission on Small Business Advocacy on the number and nature of inquiries received.

HB 380

AN ACT relating to appropriations and revenue measures providing financing and conditions for the operations, maintenance, support, and functioning of the government of the Commonwealth of Kentucky and its various officers, cabinets, departments, boards, commissions, institutions, subdivisions, agencies, and other state-supported activities.

The State/Executive Branch Budget appropriates from the General Fund, General Fund (Tobacco), Road Fund, Restricted Funds, Federal Funds, Bond Funds, Highway Bonds, Agency Bonds, Capital Construction Surplus, Investment Income, and other funds \$386,169,400 in fiscal year 2005-2006, \$26,221,583,600 in fiscal year 2006-2007, and \$22,575,381,500 in fiscal year 2007-2008 as follows: General Government - 2005-2006 \$1,502,100, 2006-2007 \$925,253,500, 2007-2008 \$993,621,500; Commerce Cabinet - 2005-2006 \$340,400, 2006-2007 \$218,967,300, 2007-2008 \$228,150,400; Economic Development Cabinet - 2006-2007 \$28,883,700, 2007-2008 \$34,709,100; Department of Education - 2006-2007 \$4,209,315,200, 2007-2008 \$4,525,745,400; Education Cabinet - 2005-2006 \$5,000, 2006-2007 \$877,152,000, 2007-2008 \$879,877,400; Environmental and Public Protection Cabinet - 2005-2006 \$21,000, 2006-2007 \$627,077,500, 2007-2008 \$633,368,300; Finance and Administration Cabinet - 2006-2007 \$641,684,800, 2007-2008 \$646,413,700; Health and Family Services Cabinet - 2005-2006 \$335,186,100, 2006-2007 \$6,555,756,700, 2007-2008 \$6,760,287,800; Justice and Public Safety Cabinet - 2005-2006 \$1,903,200, 2006-2007 \$794,065,000, 2007-2008 \$822,831,100; Personnel Cabinet - 2006-2007 \$62,659,200, 2007-2008 \$80,570,200; Postsecondary Education - 2006-2007 \$4,542,598,700, 2007-2008 \$4,832,984,400;

Transportation Cabinet - 2005-2006 \$42,891,600, 2006-2007 \$2,584,705,800, 2007-2008 \$1,986,249,000; Phase I Tobacco Settlement Funding Program - 2006-2007 \$88,800,000, 2007-2008 \$94,000,000; Funds Transfer to the General Fund - 2005-2006 \$62,483,500, 2006-2007 \$132,833,800, 2007-2008 \$85,589,200; not included in the above appropriation amounts are capital project amounts as follows: Capital Projects Total - 2005-2006 \$4,320,000, 2006-2007 \$4,118,534,200, 2007-2008 \$130,573,200; Road Fund Capital Projects - 2006-2007 \$10,285,000, 2007-2008 \$6,795,000; Highway Bonds Capital Projects - 2006-2007 \$350,000,000; Bond Funds - 2006-2007 \$1,558,923,000; Agency Bonds - 2006-2007 \$471,901,000; Budget Reserve Trust Fund - 2006-2007 \$35,000,000, 2007-2008 \$20,000,000; provides for allocations of the Local Government Economic Development Fund; directs that appropriations for existing line-item capital construction projects expire on June 30, 2006, except under specified conditions; permits the lapse of General Fund-appropriated debt service under certain conditions; allows funding of capital projects from specified funding sources; directs the use of investment income from bond proceeds and the Technology Trust Fund; directs the issuance and use of economic development bonds, highway bonds, and Grant Anticipation Revenue Vehicle (GARVEE) bonds; provides appropriation and reporting requirements for specified capital projects; provides for the recording, reporting, allotment, and expenditure of appropriated funds; provides for the deposit of Restricted Funds and Federal Funds; prohibits the transfer of funds between budget units unless specifically authorized and upon review and determination by the Interim Joint Committee on Appropriations and Revenue; prohibits the expansion of an appropriation from any fund source over the sum specified until the agency has submitted required documentation to the Interim Joint Committee on Appropriations and Revenue for review and action under KRS 48.630; requires the secretary of the Finance and Administration Cabinet to make decisions concerning questions relating to interpretations of any appropriation; requires the Governor's Office for Policy and Management to prepare, within 60 days after adjournment of the 2006 General Assembly, a final budget document based on the proposed State/Executive Branch Budget, the statutory budget memorandum, other Acts that contain appropriation provisions as enacted by the 2006 General Assembly, and other supporting documentation and legislative records as considered by the 2006 General Assembly; provides for construction of budget provisions regarding executive reorganization orders; requires the state budget director to monitor and report on the financial condition of the Commonwealth pursuant to KRS 48.400; authorizes the secretary of the Finance and Administration Cabinet to establish a formula to prorate certain administrative costs; requires Road Fund resources to be utilized to meet the lease-rental payments of the Kentucky Turnpike Authority for Resource Recovery Road projects; directs that confirmation or ratification of executive orders must be confirmed or ratified in an Act of the 2006 Regular Session of the General Assembly; specifies that the employer contribution for the Kentucky Employees Retirement System cannot exceed 7.75 percent for nonhazardous duty employees, 22 percent for hazardous duty employees, and 25.5 percent for State Police for the period July 1, 2006, through June 30, 2007, and 8.5 percent for nonhazardous duty employees, 24.25 percent for hazardous duty employees, and 28 percent for State Police for the period July 1, 2007, through June 30, 2008; directs the Finance and Administration Cabinet, in conjunction with the Consensus Forecasting Group, to provide a budget planning report by August 15, 2007; directs the

Office of State Budget Director to provide estimates relating to the General Fund and Road Fund and loss of revenues effected by tax expenditures; requires that all unclaimed lottery prize money for the biennium be transferred to the Kentucky Educational Excellence Scholarship (KEES) Reserve Account within the Finance and Administration Cabinet; provides for retention of all abandoned property receipts in the General Fund; sets the dormancy period for abandoned property at 3 instead of 7 years; requires the Treasury Department to sell abandoned property within 3 years of receipt; credits premium and retaliatory insurance taxes to the General Fund; requires the computation of the motor vehicle usage tax at the time of titling or first registration for some motor vehicles; limits the total number of filled permanent positions within the executive branch to the number authorized in the Act; provides \$2,180,000 in General Fund moneys in fiscal year 2006-2007 and \$2,297,800 in General Fund moneys in fiscal year 2007-2008 for the Governor's Scholars Program; provides \$250,000 in each fiscal year for the State Planning Fund; requires the Office of Homeland Security to report annually to the General Assembly regarding changes in the agency's strategic priorities and the recording of all federal homeland security funding in the state; allows the General Assembly to provide recommendations to the agency with the intent of improving the state's strategic plan; requires the Office of Homeland Security to consult with area development districts and local government entities when reviewing applications; provides General Fund support totaling \$200,000 in each year to support continued care of the cemetery grounds and maintenance of equipment in the Cemeteries Branch; provides funding in the Capital Budget to support the Northeast Cemetery in Greenup County and the Southeast Kentucky Cemetery in Leslie County; provides Bond Funds of \$1,757,000 to expand the Alzheimer's/General Care Unit at the Western Kentucky Veterans' Center; provides an additional \$35,000 in each year for stipends to volunteer organizations that perform burial honor guard services; provides an additional \$3 million in General Fund dollars to partially restore the reduction in Master Settlement Agreement Phase I Tobacco funding resulting from the lower Consensus Forecasting Group estimates for fiscal year 2005-2006; provides a total of \$150 million Bond Funds from the Infrastructure for Economic Development Fund for Non-Coal Producing Counties for a pool of projects, primarily water and sewer projects and other infrastructure projects; provides a total of \$100 million Bond Funds from the Infrastructure for Economic Development Fund for Coal-Producing Counties for a pool of projects primarily water and sewer projects, and other infrastructure projects; provides additional General Fund dollars of \$500,000 in each fiscal year to support the Military Family Assistance Trust Fund; provides additional General Fund dollars of \$200,000 in each fiscal year to support the Military Burial Honor Guard Program and designates funding to volunteer organizations to support the decorum of military funeral honors; provides Bond Funds of \$4.5 million in fiscal year 2006-2007 to acquire additional land for the Wendell H. Ford Regional Training Center; provides \$5 million in fiscal year 2006-2007 in Bond Funds for the Owenton/Owen County Natural Gas Line Project, \$4.5 million in fiscal year 2006-2007 for the Warren County Transpark - Rail Spur, and ~~\$6,000,000 in fiscal year 2006-2007 for the Louisville Zoo - Glacier Run project; (this provision was vetoed in accordance with veto item #4);~~ provides General Fund support totaling \$20,650,800 in fiscal year 2006-2007, \$8,453,000 in fiscal year 2007-2008, and Bond Funds of \$75,658,000 in fiscal year 2006-2007 for a pool of Community Development Fund

Projects, providing total funding for the biennium of \$104,761,000; provides \$1,024,300 in each fiscal year for the Osteopathic Scholarship Fund, \$1 million in each fiscal year for the Trover Clinic, and \$1 million in fiscal year 2007-2008 for the Pharmacy Scholarship Fund from Coal Severance receipts; provides \$14,749,500 in fiscal year 2006-2007 and \$15,913,500 in fiscal year 2007-2008 in funding from the Local Government Economic Development Fund (LGEDF) for various programs and projects; provides \$21.3 million in fiscal year 2006-2007 and \$29,699,000 in fiscal year 2007-2008 in funding from the LGEDF Multi-County Fund for various programs and projects; provides additional General Fund moneys totaling \$783,000 in fiscal year 2006-2007 and \$1,086,500 in fiscal year 2007-2008 for Commonwealth's attorneys and additional General Fund moneys totaling \$625,000 in fiscal year 2006-2007 and \$1,038,400 in fiscal year 2007-2008 for county attorneys; provides General Fund dollars of \$1,650,000 in fiscal year 2007-2008 for the Fuels/Pesticide Testing Laboratory; provides additional General Fund dollars of \$1,053,300 in fiscal year 2007-2008 for operating costs of the Fuels/Pesticide Testing Program; provides additional General Fund support totaling \$291,000 each year to fund seven vacant inspector positions; provides additional General Fund support totaling \$495,000 each year for grants to local county fairs; ~~provides \$2,500,000 in Bond Funds to support grants to local Animal Shelters; (this provision was vetoed in accordance with veto item #4);~~ provides the auditor of public accounts the ability to allow compensatory time be converted to sick time to ease fiscal constraints; provides the auditor of public accounts the ability to implement a salary equity program to classified auditors if funds are available; provides ~~\$17.5 million Bond Funds; (this provision was vetoed in accordance with veto item #4)~~ \$33.2 million Agency Bonds and \$4.6 million Restricted Funds for the Kentucky River Locks and Dams Maintenance and Renovations Pool for a total project cost of \$55.3 million to allow for the replacement of Dam 9, raising of Dam 10, and the rebuilding of the Locks and Dams 3 and 4 near Frankfort; provides funding for the \$100 million in offers of assistance for school construction authorized by the 2005 General Assembly; provides funding for an additional \$50 million in offers of assistance for school construction in the 2006-2008 biennium; authorizes \$100 million in offers of assistance during the 2006-2008 biennium with anticipation of debt service being provided during the 2008-2010 biennium; provides additional General Fund support of \$5 million in fiscal year 2007-2008 for the Urgent Need School Trust Fund; provides additional General Fund support in the amount of \$20 million for supplemental contributions to the pension fund; requires the Kentucky Retirement Systems to pay for the "Family Supplement" for health insurance for those retirees under 65 with family or couple coverage through the State Health Insurance Plan for Plan Year 2007; funds various outdoor drama grants funded in fiscal year 2006-2007 and fiscal year 2007-2008; directs research projects relating to clean coal, new combustion technology, thin-seam coal extraction, synthetic natural gas produced from coal, and the development of alternative transportation fuels produced by processes that convert coal or biomass resources or extract oil for oil shale; allows fees for professional artist and entertainers performing on the Kentucky Music Trail to be paid from the Tourism Marketing Program; allocates \$50,000 in each year of the biennium to support the Bluegrass State Games; provides debt service in fiscal year 2007-2008 to support a \$60 million Parks Development Pool; ~~provides debt service in fiscal year 2007-2008 to support an \$8 million Parks Renovation Pool; (this provision was vetoed in accordance with veto item~~

#4); provides debt service in fiscal year 2007-2008 to support \$36.5 million in Bond Funds to construct a new indoor arena at the Kentucky Horse Park; provides debt service in fiscal year 2007-2008 to support \$1.25 million in Bond Funds to replace the Pavilion roof at the State Fair and Exposition Center; ~~provides debt service in fiscal year 2007-2008 to support \$2 million in Bond Funds to upgrade HVAC systems at the State Fair and Exposition Center; (this provision was vetoed in accordance with veto item #4);~~ provides an additional \$7.7 million in Restricted Funds authorization in Part II, Capital Budget, to support the land acquisition Pool in the Department of Fish and Wildlife Resources; provides General Fund support of \$2 million in each year of the biennium for the Abraham Lincoln Bicentennial Commission; provides General Fund support in the amount of \$50,000 in fiscal year 2005-2006 to the Abraham Lincoln Bicentennial Commission for the Lincoln Wedding Reenactment; provides General Fund support in the amount of \$750,000 in fiscal year 2006-2007 to the City of Hodgenville to match a \$3.5 million federal grant for infrastructure improvements for the Abraham Lincoln Bicentennial celebration; provides debt service in fiscal year 2007-2008 to support \$617,000 in Bond Funds for land acquisition and renovation of the property at Perryville Battlefield and \$75,000 in fiscal year 2005-2006 for the 2006 reenactment; provides General Fund support for the Kentucky Arts Council in the amount of \$133,000 in each fiscal year of the biennium; provides General Fund support for the African-American Heritage Commission in the amount of \$40,000 in fiscal year 2006-2007; provides General Fund support for stabilization of the Governor's School for the Arts in the amount of \$150,000 in fiscal year 2007-2008; provides debt service in fiscal year 2007-2008 to support \$20 million in Bond Funds for the New Economy High-Tech Construction and High-Tech Investment Pools; provides General Fund support of \$420,800 in each year of the biennium for the Louisville Waterfront Development Corporation; provides debt service in fiscal year 2007-2008 to support \$17.5 million in Bond Funds for the Economic Development Bond Pool; allows the cabinet to extend an additional \$1.5 million in training grants during the 2006-2008 biennium for the Bluegrass State Skills Corporation; allocates \$2.5 million from the Economic Development Bond Pool to support land use and development at the Purchase Regional Industrial Park; provides General Fund support of \$50,000 in each year of the biennium to support the South American Trade Office; provides General Fund support of \$100,000 in each year of the biennium to support the China Trade Office; provides General Fund support of \$150,000 in each fiscal year to support the Small and Minority Business Program; provides General Fund support of \$300,000 in fiscal year 2007-2008 for micro-business loans in the Small and Minority Business Entrepreneurship Program; provides \$50 million in Bond Funds to provide modern stationary or mobile workstations for public K-12 schools to support advanced instructional activities including online learning and Internet 2 instructional activities; provides \$8.9 million in Bond Funds for a high-speed education telecommunications network that supports a set of seamless P-16 management, instructional, and research applications; provides \$10 million in Bond Funds for a functionally robust and modern system to ensure the efficient collection and management of student information, including a unique student identifier, at the school, district, and state levels; ~~provides \$15,000,000 in Bond Funds for a Web-based, on-line testing program that provides a quicker return of test results, student accountability, and assessment integration into teaching and learning situations on a real-time basis;~~

~~provides \$3,250,000 in Bond Funds for a knowledge management portal that will provide K-12 public educators with intuitive access to indexed, aligned, and well-organized Web-based instructional resources such as units of study that connect curriculum, instruction, and assessment with other data generated by schools and the Kentucky Department of Education;~~ (this provision was vetoed in accordance with veto item #4); provides \$1.5 million in Bond Funds for the Rockcastle County Vocational and Technical Center; provides \$2 million in Bond Funds for the Letcher County Central Vocational Center; provides an additional \$23,502,300 in General Fund moneys in each fiscal year to provide preschool services for children in families up to 150 percent of the federal poverty guideline; provides additional General Fund support of \$9,458,100 in fiscal year 2006-2007 and \$12,458,100 in fiscal year 2007-2008 for the Read to Achieve Program; provides additional General Fund support of \$1.2 million in fiscal year 2006-2007 and \$1.4 million in fiscal year 2007-2008 for the Collaborative Center for Literacy Development; provides additional General Fund support of \$3 million in fiscal year 2007-2008 for the Mathematics Achievement Fund; provides additional General Fund support of \$1.4 million in fiscal year 2007-2008 for ACT and WorkKeys testing for high school students; provides additional General Fund support of \$500,000 in each year for the State Agency Children Program; provides additional General Fund support of \$250,000 in each year for the Save the Children Program; provides additional General Fund support in fiscal year 2007-2008 for the Partnership for Student Success Program; provides additional General Fund support of \$300,000 in each fiscal year for the Community Education Program; provides a 2 percent salary increase for both certified and classified employees of local school districts in fiscal year 2006-2007; provides additional General Fund support of \$123 million in fiscal year 2007-2008 for a \$3,000 salary increase for certified staff and a 5 percent salary increase for classified staff up to \$2,500; provides additional General Fund support of \$26,600,000 in fiscal year 2007-2008 for a 1 percent increase in the per-pupil Support Education Excellence in Kentucky (SEEK) base; provides additional General Fund support of \$32.6 million in fiscal year 2007-2008 to add two instructional days to the school calendar; provides full funding for all previously authorized equalization programs; provides additional funding for the Telecommunication Access Program for the hearing impaired; provides additional operating funds for Pulaski, Warren, Butler, and Mayfield-Graves County Area Technical Centers and state-operated technical programs at the Hancock and Kenton County schools; provides \$15,707,000 in Bond Funds for the Replace Master Control and Production Infrastructure Project for Kentucky Educational Television; provides additional General Fund support in the amount of \$600,000 in each fiscal year for the Public Library Construction Fund; provides additional General Fund support in the amount of \$275,000 in fiscal year 2007-2008 for the Bookmobile Program; provides \$150,000 in each year for interpreter services for deaf students at postsecondary institutions; provides language which gives the secretary of the Environmental and Public Protection Cabinet flexibility to increase the salary range for engineers and mine inspectors as necessary to allow for employment and retention of staff sufficient to provide timely permitting and compliance determinations within the cabinet; provides \$534,000 in fiscal year 2006-2007 and \$300,000 in fiscal year 2007-2008 for Section 404 of the Clean Water Act Permit Assumption; provides additional General Fund dollars to restore Environmental Stewardship funding to \$9 million in each fiscal year of the

biennium; provides an additional \$75,000 General Fund in each year of the biennium to fund a Nature Preserves field representative who specializes in native fishes and particularly freshwater mussels; ~~prohibits the Horse Racing Authority from collecting Racing Dates Fees and Assessments; (this provision was vetoed in accordance with veto item #9);~~ provides an additional General Fund appropriation of \$1.2 million in fiscal year 2006-2007 to offset loss of Racing Dates Fees and Assessments; provides for mine inspection salaries of up to \$750,000 in each fiscal year beyond the personnel appropriation during the biennium as a necessary government expense; provides \$6.5 million in fiscal year 2006-2007 and \$13.5 million in fiscal year 2007-2008 for the Insurance Coverage Affordability and Relief to Small Employers (ICARE) Program; provides \$67,000 in fiscal year 2006-2007 and \$68,000 in fiscal year 2007-2008 for additional personnel to administer the Captive Insurance program; provides language which will allow additional funding for the Telecommunication Access Program for the hearing impaired; provides Restricted Funds totaling \$4.3 million in each fiscal year for the Affordable Housing Trust Fund; provides General Fund support of \$665,400 in fiscal year 2006-2007 and \$697,700 in fiscal year 2007-2008 to enhance revenue collection efforts through additional staff and operating expenses for the Office of Legal Services; provides \$75 million in Bond Funds in fiscal year 2006-2007 as a grant for the construction of the Louisville Arena and includes language that does not specify the location of the arena; requires the Louisville Arena Authority, Inc. to conduct business in accordance with state procurement laws, state Open Records laws, and state Open Meetings laws; requires that the Kentucky State Fair Board shall be the managing agent for the arena; requires that the Commonwealth shall not be responsible for any debt other than these grant funds; provides \$13.6 million in Bond Funds in fiscal year 2006-2007 to complete the renovations at the State Office Building in Frankfort; provides \$13 million in Bond Funds and \$16,166,000 in Federal Funds in fiscal year 2006-2007 for the Kentucky Emergency Warning System Capital Project; provides General Fund support of \$8,907,400 in fiscal year 2006-2007 and \$9,371,200 in fiscal year 2007-2008 to enhance revenue collection efforts through additional staff and needed operating expenses for the department; provides \$23,250,000 in Bond Funds in fiscal year 2006-2007 to upgrade and interface several of the numerous tax systems maintained by the department; provides an additional \$2.6 million in General Fund support over the biennium for a total of \$32,769,300 in fiscal year 2006-2007 and \$33,399,300 in fiscal year 2007-2008 for the Property Valuation Administrators; directs the Cabinet for Health and Family Services to fill all federally funded positions to improve services to the citizens of the Commonwealth; provides an additional \$50,000 each fiscal year to support the Telehealth and eHealth boards; provides \$2 million each year for additional positions to combat fraud and abuse in federal programs; provides \$4.5 billion in fiscal year 2006-2007 and \$4.6 billion in fiscal year 2007-2008 to serve more than 715,000 Medicaid eligibles in each fiscal year; provides \$935 million additional funds (\$288 million General Fund) to Medicaid benefits during the biennium to continue current services; provides more than \$105 million in each fiscal year to continue the Kentucky Children's Health Insurance Program (KCHIP) for 50,000 children; provides an additional \$6.2 million in fiscal year 2006-2007 and \$21.3 million in fiscal year 2007-2008 for 200 additional (100 each fiscal year) Supports for Community Living slots; provides language that directs that Disproportionate Share Hospital (DSH) payments shall equal the federal maximum,

which currently equals \$197 million; provides language to continue enhanced hospital reimbursement rates; provides \$2.3 million in each fiscal year to expand adult day care services; provides \$820,000 in each fiscal year to expand school-based health services; provides \$3.3 million in each fiscal year to expand Model II Waiver services for ventilator-dependent patients; provides \$492,000 in each fiscal year to expand the Breast and Cervical Cancer Treatment Program; provides \$3.3 million in each fiscal year to expand the Acquired Brain Injury Waiver Program to 65 additional eligibles; provides \$12 million in fiscal year 2006-2007 and \$18.5 million in fiscal year 2007-2008 for inflation in community services and increased admissions into acute care services; provides DSH funding totaling \$34.6 million in each fiscal year for state mental hospitals; provides \$1.3 million in fiscal year 2006-2007 and \$739,000 in fiscal year 2007-2008 for a children's mental health initiative in Northern Kentucky; provides \$5.7 million in fiscal year 2006-2007 and \$9.5 million in fiscal year 2007-2008 to expand existing Crisis Stabilization services; provides \$1 million in fiscal year 2006-2007 and \$2 million in fiscal year 2007-2008 to expand Supported Living services; provides \$170,000 in each fiscal year for Day Springs Group Home; provides \$175,000 in each fiscal year for the Arc of Kentucky; provides \$150,000 in each fiscal year for The Healing Place; provides \$25,000 in each fiscal year for the Arc of Barren County; provides \$200,000 in each fiscal year for the Aging Caregivers One-Stop Shop; provides \$50,000 in each fiscal year for the Boys and Girls Club of Kentucky; provides \$3.1 million in each fiscal year for Crisis Stabilization Mental Health services, including more than \$100,000 in each fiscal year for mental inquest warrant patients to be served by Hardin Memorial Hospital; provides \$500,000 in each fiscal year to establish the David Block Crisis Stabilization Unit in Louisville; provides \$6,174,000 in a Local and District Health Insurance Pool to assist those agencies with the increased cost of the employer share of health insurance; provides language to ensure that all preventive services provided to Medicaid recipients by local health departments are paid for through Medicaid; provides \$2,345,600 in the first year and \$2,215,600 in the second year of the biennium for the base Smoking Cessation Program and the potential for an additional \$2.2 million each year from Voluntary Escrow payments by nonparticipating cigarette manufacturers to provide additional services; provides \$200,000 each fiscal year to continue the Diabetes Research Board; provides \$2.3 million in each fiscal year in the operating part of the budget to continue base diabetes services through local or district health departments; provides \$750,000 in each fiscal year to establish three regional Diabetes Centers of Excellence to provide education, intervention therapy, and case management for Medicaid recipients; provides debt service for a \$10 million Local and District Health Department Infrastructure Pool; provides \$100,000 in each fiscal year for the Epilepsy Foundation of Kentucky; provides additional funding of \$208,000 in each fiscal year for the UK Center for Rural Health - Homeplace Program; provides \$25,000 in fiscal year 2006-2007 for cholesterol and hypertension screening equipment for the Liberty District Community Center in Barren County; provides \$1.5 million for the Area Health Education Centers to replace federal grant funding in both fiscal years; provides \$500,000 in fiscal year 2006-2007 to the Central Kentucky Blood Center; provides an additional \$150,000 each year for the Poison Control Center; provides \$125,000 in fiscal year 2006-2007 and \$200,000 in fiscal year 2007-2008 for the Kentucky Prescription Drug Patient Assistance Program; provides \$90,000 in General Fund support each year for a statewide Osteoporosis

Prevention and Education Program; provides \$480,000 in each fiscal year to the Children's Advocacy Centers to cover an increase in operational cost; provides an additional \$519,000 in each fiscal year to ensure that each Children's Advocacy Center can have at least a half-time qualified forensic interviewer; provides regional rape crisis centers \$1 million each fiscal year to assist with the increased demand for services and increased cost of center operations; increases grants to the domestic violence statewide programs by \$677,500 each fiscal year; provides Family Resource and Youth Services Centers with an additional \$2,583,400 in fiscal year 2006-2007 and \$5,418,200 in fiscal year 2007-2008 to return the base funding rate to the original rate of \$210 per child; provides \$1.25 million in fiscal year 2006-2007 and \$2 million in fiscal year 2007-2008 to establish a Kentucky Caregiver Program to assist grandparents below 150 percent of the poverty level who do not get other state assistance but are the primary caregiver of their grandchildren; expands aging services by \$3.5 million in fiscal year 2006-2007 and \$4 million in fiscal year 2007-2008 to increase services in the Homecare Program and Personal Care Attendant Program and to increase available adult day care services; provides \$967 million in fiscal year 2006-2007 and \$1 billion in fiscal year 2007-2008 to continue current services and programs in the Department for Community Based Services; provides an additional \$28.7 million in fiscal year 2006-2007 and \$50.2 million in fiscal year 2007-2008 to expand out-of-home care services for court-committed children; provides \$1.3 million in fiscal year 2006-2007 and \$1.9 million in fiscal year 2007-2008 to continue the Electronic Benefits Transfer Program for Food Stamps; provides \$3.8 million in Federal Funds in each fiscal year to expand child care services; provides \$5.7 million in Federal Funds in each fiscal year to expand the Low Income Home Emergency Assistance Program (LIHEAP) and Weatherization Assistance; provides \$250,000 in each fiscal year to expand the Save the Children Rural Literacy Program; provides \$1 million in each fiscal year for Foster Youth Transitional Assistance; provides \$1.6 million in fiscal year 2006-2007 and \$1.3 million in fiscal year 2007-2008 for Protection and Permanency Staff Technology Improvements; provides \$13.4 million in fiscal year 2007-2008 to increase Foster Parent, Adoption Assistance, and Private Child Care rates by \$3 per day and to establish a pool for incentives to private child care providers for taking care of hard-to-place children; provides \$8.25 million for a grant for Phase II of the Children's Village at the Home of the Innocents in Louisville, contingent upon matching funds being obtained from other public and private sources; ~~provides \$2 million for Brooklawn Child and Family Services to purchase houses and an apartment building for Brooklawn residents who have completed residential treatment; (this provision was vetoed in accordance with veto item #4);~~ provides Restricted Funds totaling \$1.3 million in fiscal year 2006-2007 and \$1.8 million in fiscal year 2007-2008 for drug courts in Kentucky's coal-producing counties in six judicial circuits; provides Restricted Funds totaling \$1.25 million in each year for the Operation Unite Program; provides General Fund support totaling \$1 million in each fiscal year to maintain existing multijurisdictional drug task forces and allowing for expansion to underserved and unserved areas; provides General Fund support totaling \$1.5 million in each fiscal year for free civil legal services for indigents; continues the \$3,100 annual training incentive payment from the Kentucky Law Enforcement Foundation Program Fund for State Police troopers, hazardous devices specialists, arson investigators, legislative security specialists, and Kentucky Vehicle Enforcement officers; provides an additional \$50,000

General Fund in each fiscal year for the Mary Kendall Homes for total support of \$350,000 in each fiscal year; allows the Madison County juvenile detention facility to remain open and requires the Department of Juvenile Justice to pay the detention subsidy for juveniles housed at the facility; provides General Fund support totaling \$1.9 million in fiscal year 2006-2007 and \$7.9 million in fiscal year 2007-2008 to fund a \$1,250 pay raise in the first year and an additional \$3,750 pay raise in the second year for troopers, hazardous devices specialists, arson investigators, legislative security specialists, helicopter pilots, and dispatchers; provides additional General Fund support totaling \$1 million in each year for upkeep and maintenance of the statewide mobile data infrastructure; allows any local or state first responding agency to use the system provided they comply with all applicable state standards for the systems uses; increases Road Fund support to the Kentucky State Police to provide a total of \$50 million in each fiscal year; provides General Fund support totaling \$1 million in each fiscal year to increase the per diem paid to local jails for housing state inmates; transfers General Fund support totaling \$5.8 million in each fiscal year to the Kentucky Community and Technical College System (KCTCS) and requires KCTCS to provide adult basic education and technical trade classes for the Department of Corrections; allows funds provided for local jail per diem payments and for halfway house payments to be used for the establishment and operation of an intensive secured substance abuse recovery program for substance abusers who have been charged with a felony offense; authorizes any shortfall in the funding for local jail per diems and halfway house payments to be paid as a necessary governmental expense; provides \$3 million in fiscal year 2006-2007 and \$3.2 million in fiscal year 2007-2008 for additional public advocacy attorneys and support staff to reduce case load levels; utilizes Restricted Funds in the amount of \$250,000 in fiscal year 2006-2007 for the Equal Employment Opportunity Disparity Study; reduces the employer health insurance premium by 12 percent effective July 1, 2006; provides additional General Fund dollars of \$300,000 each fiscal year for the quasi-governmental agencies for increased health insurance costs; provides language concerning board members of quasi-governmental agencies health insurance; provides General Fund support as Restricted Funds replacement for the Contract Spaces Program (Veterinary and Optometry) in order to maintain the current number of slots for Kentucky residents and to offset an increase in tuition; provides an additional \$1 million in General Fund support in fiscal year 2006-2007 and \$3 million in General Fund support in fiscal year 2007-2008 for postsecondary adult education programs; provides \$1.2 million in General Fund support in fiscal year 2006-2007 and \$3.6 million in General Fund support in fiscal year 2007-2008 for the Regional Stewardship Trust Fund for collaboration with public elementary and secondary schools and regional economic development initiatives; includes \$1.5 million in General Fund support in fiscal year 2006-2007 and \$3 million in General Fund support in fiscal year 2007-2008 for the Research Support pool for the University of Kentucky and the University of Louisville; ~~includes \$27.4 million General Fund for debt service for \$571.9 million in capital projects at institutions of higher education; includes \$6,000,000 for laboratory renovations and equipment at the University of Kentucky and the University of Louisville; (these provisions were vetoed in accordance with veto item #4);~~ includes \$300,000 in General Fund support in fiscal year 2006-2007 and \$1.2 million in General Fund in fiscal year 2007-2008 for the Workforce Development Trust Fund; ~~includes a \$10,000,000 technology and equipment pool at the~~

Council on Postsecondary Education for technology needs of colleges and universities; (this provision was vetoed in accordance with veto item #4); includes base funding increases for the universities and KCTCS in both years of the biennium; includes additional General Fund support of \$150,000 in each fiscal year to the Adolescent Medicine and Young Parent Program and the Rape Crisis Center at the University of Kentucky; includes additional General Fund support of \$150,000 in each fiscal year for the Center for Research on Violence Against Women; includes \$500,000 in fiscal year 2007-2008 for the Kentucky Geological Survey; includes General Fund support of \$500,000 in each year of the biennium to support the Governor's Fitness Program; includes \$1 million in General Fund support in fiscal year 2006-2007 and \$1.5 million in fiscal year 2007-2008 for the Center for Mathematics at Northern Kentucky University; includes \$1 million in General Fund support in fiscal year 2007-2008 for the Pharmacy Scholarship Fund; provides funding for the College Access Program (CAP), the Kentucky Tuition Grant program (KTG), and KEES; includes \$1 million in General Fund support in fiscal year 2007-2008 for health care insurance costs for former employees of the University of Kentucky Community College System who opted to remain in the university's health care system when KCTCS was formed; includes \$300,000 in General Fund support to establish the North American Racing Academy; includes General Fund support totaling \$267,800 in fiscal year 2006-2007 for maintenance and operations of new KCTCS facilities coming online during the biennium; provides additional Federal Fund resources of \$11 million in fiscal year 2006-2007 as a result of the primary Seat Belt Law implementation; provides Road Fund resources of \$400,000 in each fiscal year to the Finance and Administration Cabinet, Department of Administration; provides Road Fund resources of \$2 million in each fiscal year to the Finance and Administration Cabinet, Department of Revenue; provides Road Fund resources of \$300,000 in each fiscal year to the Environmental and Public Protection Cabinet; requires the Transportation Cabinet to adhere to projects in the enacted portion of the Six-Year Highway Plan and to provide quarterly reports to both the Interim Joint Committee on Appropriations and Revenue and the Interim Joint Committee on Transportation; permits the Transportation Cabinet to use Road Fund resources up to \$10 million in each fiscal year for airport runways, aprons, and taxiways; lists the required Six-Year Aviation Plan projects; provides language requiring a detailed, quarterly status report of all Six-Year Aviation Plan projects to the Interim Joint Committee on Appropriations and Revenue and the Interim Joint Committee on Transportation; ~~provides language prohibiting the use of Aviation or Military Affairs appropriations for additional Capital City Airport runway improvements; (this provision was vetoed in accordance with veto item #21);~~ provides decreased debt service for Economic Development Lease-Rental Payments on Highway Bonds by \$3.8 million in each fiscal year based on actual debt service projections on the current sale of the remaining \$225 million of the \$450 million in the previous Highway Bond authorization; provides increased debt service for Economic Development Lease-Rental Payments on Highway Bonds by \$16,296,000 in fiscal year 2006-2007 and \$32,592,000 in fiscal year 2007-2008 for an Economic Development Road Project bond authorization of \$350 million in fiscal year 2006-2007; terminates tolls on the Audubon Parkway and the Natcher Parkway during the first year of the biennium when the lease-rental payments on the toll roads are fully paid; describes the Pavement Management initiative and stipulates a maximum expenditure of \$8 million

over the biennium; encourages the Transportation Cabinet to grade and repave I-64 from Grayson to the West Virginia border equal to I-64 in Bath, Rowan, and Carter Counties; permits local governments, through a cooperative agreement with the Transportation Cabinet, to maintain traffic control devices and perform temporary repairs on state-maintained roads on a cost reimbursement basis; requires the Transportation Cabinet to submit a long-term plan report for the Louisville Bridges Project, which will include project strategy, timeline, projected and actual financial data, construction schedule, and the overall impact of the Louisville Bridges project upon the Federal and State Road Plans; authorizes 22 miscellaneous Road Fund projects; requires the Environmental and Public Protection Cabinet to provide a program and financial status report on the Kentucky Pride Fund to the Interim Joint Committee on Appropriations and Revenue and the Interim Joint Committee on Transportation; authorizes the Transportation Cabinet to select up to 10 design/build demonstration road-related projects over the biennium; authorizes the Transportation Cabinet to close five rest area sites in Hart, Hardin, and Madison Counties; provides additional General Fund resources of \$2.5 million in fiscal year 2006-2007 for Federal Fund match resources for Metropolitan Transit Organizations, such as TARC, TANK, and LEXTRAN; authorizes the Transportation Cabinet to maximize to the extent necessary the use of toll credits to match Federal Funds for transit system capital grants; provides General Fund resources of \$2.95 million in each fiscal year for Non-Public School Transportation; provides increased Road Fund resources from the County, Rural, and Municipal Road Aid programs to provide debt service for the Economic Development Road Projects bond authorization of \$350 million in fiscal year 2006-2007; provides increased Federal Fund resources of \$3 million in fiscal year 2006-2007 for the REALID, Drivers License Program; provides \$3.734 billion for the 2006-2008 biennium for the Road Plan; ~~provides project authorizations and appropriations for projects funded from Coal Severance Tax revenues; (this provision was vetoed in accordance with veto item #24);~~ provides project authorizations and appropriations for projects funded from the Infrastructure for Economic Development Fund for Coal-Producing Counties; provides project authorizations and appropriations for projects funded from the Infrastructure for Economic Development Fund for Non-Coal Producing Counties; provides project authorizations and appropriations for projects funded from the Community Development Fund; increases the Budget Reserve Trust Fund from its current level of \$119 million in fiscal year 2005-2006 to a level of \$154 million in fiscal year 2006-2007 and to a level of \$149 million at the end of fiscal year 2007-2008; provides general fiscal policy instructions to the executive branch in the implementation of the biennial budget; clarifies the position of the legislative branch relative to specific issues; limits spending by the governor, all agency heads, and all other constitutional officers to 55 percent of the total year's appropriation in the first six months of fiscal year 2007-2008; appropriates the receipt of any voluntary escrow payment made by nonparticipating manufacturers to the Budget Reserve Trust Fund, after earmarking the first \$2.2 million of such receipts each fiscal year for smoking prevention and cessation program; provides a "flat rate" salary increase for state employees by salary band, ranging from \$400 to \$1,350 each year; establishes a General Fund budget reduction plan should an actual or projected deficit in estimated General Fund receipts occur; establishes a General Fund surplus expenditure plan; establishes a Road Fund budget reduction plan; establishes a Road Fund surplus expenditure plan; prescribes the

policy implementing aspects of the national settlement agreement between the tobacco industry and the collective states, including the Commonwealth of Kentucky; provides a summary and clarification of the appropriations made to state agencies and programs that are attributable to revenues from the settlement with the tobacco industry; increases the per diem pay by \$10 for the following General Assembly employees: chief clerk, assistant clerk, enrolling clerk, sergeant-at-arms, doorkeeper, janitors, and cloakroom keeper; makes changes to corporate income tax computations concerning the alternative minimum calculation and provides relief for small businesses; clarifies that the threshold for relief is based upon gross receipts, not Kentucky-only gross receipts; mandates that the sales tax on items purchased out of state, such as recreational vehicles, motorboats, and manufactured homes, be collected at the time of titling or registration; authorizes a tax credit if the tax has previously been paid; exempts interstate trucks, tractors, and buses from ad valorem property tax and requires the Department of Revenue to establish an annual fee amount to be assessed upon the market value of the equipment; requires the Transportation Cabinet to collect the fee as part of the registration process; provides for local governments to be considered agencies of the Commonwealth, who have claims against those persons who are to receive a payment from state government; establishes a priority ranking to be applied for claims when a person who is owed funds from the state has more than one agency making claim against those funds; provides for a reciprocal agreement with the federal government for claims against funds owed by the United States government to persons who owe agencies of the Commonwealth; requires the Department of Revenue to identify and seize assets of delinquent taxpayers that are held by financial institutions; establishes the variable portion of the fuel tax rate at a minimum of 1.342 cents per gallon, based upon 9 percent of the Average Wholesale Price of fuel effective July 1, 2006; requires tobacco manufacturers not participating in the Master Settlement Agreement to place funds in escrow based on the number of cigarettes sold; allows manufacturers making escrow payments to permanently assign these funds to the benefit of the Commonwealth of Kentucky; specifies that any funds obtained by the Commonwealth in this manner will be appropriated to the budget reserve trust fund, with the first \$2.2 million in funds deposited dedicated for smoking prevention and cessation programs through the Department of Public Health; directs the Kentucky Tobacco Trust Fund Corporation to establish an amnesty compensation program for tobacco quota owners who did not receive payments under the plan adopted in March 2004; permits quota owners, who, for various reasons, missed the deadline for payment under the initial program, to get a second, one-time opportunity to receive payment; requires the Governor's Office of Agricultural Policy to provide funding, not to exceed \$4 million, to the corporation for the amnesty compensation program; permits the secretary of the Finance and Administration Cabinet to publish required notices by other cost-effective alternative methods of delivery in addition to publishing in newspapers on statewide notices and on county-specific notices; allows certain Class C or Class D felons serving a sentence in a state-operated prison, contract facility, or county jail to be eligible to serve the remainder of the sentence through home incarceration; permits Class C or Class D felons to participate if they have not been convicted of, pled guilty to, or entered an Alford plea to a violent felony or a sex crime, have 90 days or less to serve, have voluntarily participated in a discharge planning process, and have needs that may be adequately met in the community where they will reside upon release; provides \$6.5

million in fiscal year 2006-2007 and \$13.5 million in fiscal year 2007-2008 to help pay employees' health insurance for employers with from 2 to 25 employees; establishes the Pharmacy Scholarship Program to provide eligible Kentucky students the opportunity to attend an accredited school of pharmacy at a private four-year institution of higher education with a main campus located in an Appalachian Regional Commission county in the Commonwealth; provides that the award amount must be equal to the difference between the in-state tuition at the University of Kentucky College of Pharmacy and the prevailing amount charged for tuition at the institution in which the student is enrolled; allows any county that does not have an incorporated area to be permitted to submit one application per year as a county and one application per year as a city for any block grant program for which funding is based on a competitive basis; permits the Department of Agriculture to assess an inspection fee on amusement rides and attractions based on the complexity of the ride; authorizes the construction of 17 new judicial centers totaling an estimated \$264,652,000 in construction costs in Campbell, Wolfe, Todd, Garrard, Franklin, Hancock, Mercer, Russell, Hopkins, Owen, Breckinridge, Fleming, Whitley, Monroe, Rowan, Pike, and Marion Counties; increases the scope of the Pendleton County Judicial Center project by \$8,010,100, making the total project \$10,238,100; provides additional benefits to members of the armed forces and veterans, which range from loans to guaranteed time off for working spouses of deployed service members; ensures the Department of Veterans' Affairs a minimum number of Veteran Benefit Regional Administrators and a minimum number of Veterans' Benefits Field Representatives to provide services statewide; creates the Military Family Assistance Trust Fund in the Department of Military Affairs that will provide grants to those service members who are experiencing financial hardships as a result of deployments abroad; provides General Fund dollars in the amount of \$500,000 each fiscal year to support the Military Family Assistance Trust Fund, of which \$400,000 each fiscal year is to be used as proceeds for the Trust Fund and \$100,000 shall be used for operations; creates the Public Employee Health Insurance Trust Fund for the State Self-Insured Health Plan and provides a minimum of \$175 for an employer contribution to a Health Reimbursement Account for employees who waive coverage; modifies the definition of "public project" as that term is defined in KRS 58.010 undertaken by a nonprofit corporation located within a county containing a consolidated local government or a city of the first class to ensure that the Louisville Arena could receive the proceeds from the tax increments associated with the project; provides that all prepaid tuition contracts in existence on the effective date of the Act shall be supported by the full faith and credit of the Commonwealth; ensures that new contracts must contain actuarially sound premiums sufficient to prevent a program fund deficit; amends KRS 131.600 and 138.140 to include "roll-your-own" tobacco in the definition of "units sold" for purposes of the excise tax imposed on wholesalers of tobacco products; places an excise tax on the wholesalers of cigarette papers of 25 cents for packages of 32 sheets, or 1.28 cents per sheet for packages greater than 32 sheets; provides regulatory framework for the captive insurers, who are defined as a subsidiary company that insures the risks of its parent company; requires the established trade-in value of a motor vehicle to be determined by an automotive valuation reference manual as chosen by the Department of Revenue; exempts sales of motor vehicles to nonresidents from the state sales tax, if the nonresident registers the motor vehicle in a state that allows Kentucky residents to purchase motor vehicles without payment of sales

tax at the time of sale; and permits Kentucky residents to remove the vehicle from that state within a specified period for registration in Kentucky without payment of the other state sales tax.

HB 381

AN ACT making appropriations for the operations, maintenance, and support of the Legislative Branch of the Commonwealth of Kentucky.

The Legislative Branch Budget appropriates from the General Fund \$46,788,800 for fiscal year 2006-2007 and \$50,182,200 for fiscal year 2007-2008; appropriates from Restricted Funds \$69,600 for fiscal year 2006-2007 and \$191,000 for fiscal year 2007-2008; allocates appropriations as follows: General Assembly - 2006-2007 \$15,102,800 and 2007-2008 \$17,177,000, and Legislative Research Commission - 2006-2007 \$31,755,600, and 2007-2008 \$33,196,200.

HB 382

AN ACT making appropriations for the operations, maintenance, support, and functioning of the Judicial Branch of the government of the Commonwealth of Kentucky and its various officers, boards, commissions, subdivisions, and other state-supported activities.

The Judicial Branch Budget appropriates in the Court of Justice moneys from the General Fund, Restricted Funds, and Federal Funds totaling \$268,139,100 in fiscal year 2006-2007 and \$302,893,100 in fiscal year 2007-2008; provides a salary increase ranging from \$400 to \$1,350 in each fiscal year for nonelected court personnel, justices, and judges; includes funds for salaries of circuit clerks and trial commissioners as contained in the Judicial Branch Budget Recommendation; provides salary enhancements for deputy circuit clerks; funds existing and additional drug courts and family courts and additional Circuit Court and District Court judgeships; funds actuarially assessed judicial retirement benefits; prohibits the reduction of authorized court facilities funding; limits the compensation of justices or judges receiving retirement benefits from the Judicial Retirement Plan who return to service as nonelected personnel such that the total salary and retirement benefits paid won't exceed the salary fixed for the judicial office held ~~, to be applicable to judges elected after January 1, 2007 (this provision was deleted in partial veto # 3)~~; earmarks \$300,000 in fiscal year 2006-2007 for improvements to ~~{14}~~ *(this provision was deleted in partial veto # 1)* client interview areas in the Fayette County Courthouses; makes the use allowance for the Fayette County Courthouses contingent upon Short Street in Lexington remaining open to traffic; ~~prohibits the Court of Justice from incurring any obligation for any program against the General Fund appropriations unless the program can be reasonably determined to have been contemplated by the enacted judicial budget and supported by the statutory budget memorandum; (this provision was deleted in partial veto #2)~~; requires the chief justice to reduce General Fund expenditures appropriated in the Judicial Branch Budget by \$2.5 million in each fiscal year by reducing waste, fraud, and abuse, and by creating additional savings through increased efficiencies; and includes a new part to be codified amending KRS 23A.040, 23A.045, 23A.050, 24A.050, and 24A.060 making adjustments to lists of judicial districts and circuits.

HB 383

AN ACT relating to water well drillers.

Amends KRS 223.991, relating to water well drillers, to provide for an increase in the civil penalty for persons who do not comply with certification provisions and to stipulate that the fine shall be for each occurrence; and amends KRS 223.415 to make changes in the requirements of water well certification board membership.

HB 385

AN ACT relating to licensing of electricians.

Amends KRS 227A.030 to exempt employees of natural gas pipeline facilities performing work at those facilities from electrician licensing requirements.

HB 387

AN ACT relating to occupational safety and health standards.

Amends KRS 338.051 to require the Kentucky Occupational Safety and Health Standards Board to meet annually; permits the chairman of the Kentucky Occupational Safety and Health Standards Board to adopt established federal standards without the board's approval if necessary to meet federal timelines; and amends KRS 338.061 to conform.

HB 388

AN ACT relating to workers' compensation and declaring an emergency.

Amends KRS 342.122 to require the Workers' Compensation Funding Commission, by June 30, to establish a special fund assessment rate, and on or before October 1 of each year to notify all insurance carriers writing workers' compensation insurance in the state, including group and individual self-insured employers, of rates to become effective January 1 of each year unless rates are modified by the General Assembly; amends KRS 342.1242, beginning 2006, to change the date that the Workers' Compensation Funding Commission determines the assets of the Coal Workers' Pneumoconiosis Fund and sets assessment rates to June 30; requires notice of rate changes be given no later than October 1 of the year preceding the rate change; and amends KRS 342.1224 to change the membership of the commission to include the secretary of the Environmental and Public Protection Cabinet, or designee, instead of the commissioner of the Department of Labor; EMERGENCY.

HB 395

AN ACT relating to the Court of Justice.

Creates a new section of KRS Chapter 30A to allow Circuit Court clerks to accept credit and debit cards and to allow the clerks to charge a \$25 bad check fee.

HB 403

AN ACT relating to revenue and taxation and declaring an emergency.

Amends KRS 131.183 to provide for interest for overpayments of the taxes collected by the Department of Revenue under KRS 160.613 and 160.614; creates a new section of KRS Chapter 136 to provide a credit against the tax imposed by KRS 136.616 for taxes paid in other states; amends KRS 136.602 to clarify sourcing provisions relating

to satellite broadcast and wireless cable service; amends KRS 136.616 to clarify sourcing provisions; amends KRS 136.650 to clarify language relating to certification of local collections; amends KRS 136.990 to establish a penalty for violation of KRS 136.616(3); amends KRS 138.130 to clarify that the definition of “other tobacco products” includes dry snuff; amends KRS 138.450, 138.460, 138.464, 138.465, and 138.470 to clarify provisions relating to the titling of motor vehicles; amends KRS 141.0205 to correct a citation; amends KRS 141.042 to establish a safe harbor for estimated payments; amends KRS 141.200 to clarify definitions; amends KRS 141.205 to correct a drafting error in 05 HB 272; amends KRS 141.420 to provide for the pass through of the credit through multiple corporate layers to the individual owner; provides that the credit shall not be available if the corporation has not paid its taxes; amends KRS 141.990 to establish a safe harbor for payments; amends KRS 160.6152 to allow school districts in the same county to enter into an agreement to allocate utility gross receipts tax revenues; amends KRS 160.6156 to clarify refund provisions; amends KRS 160.615, 160.6153, 160.6154, 160.6155, and 160.6158 to make technical corrections; amends proposed penalty for provider violations of KRS 136.616(3) from a billing cycle basis to a monthly basis; clarifies the allowance of certain credits; allows certain disregarded entities to file a return with their parent entity; repeals KRS 141.012; and provides for effective dates; EMERGENCY

HB 408

AN ACT relating to environmental protection.

Amends KRS 224.20-300 to transfer administrative control of the Asbestos Emergency Response Act, called AHERA, from the Department of Environmental Protection, Division of Air Quality, to the Environmental and Public Protection Cabinet; amends KRS 224.01-526 to provide that a covenant not to sue shall preclude any suit or claim by the Commonwealth for prosecution of civil or administrative enforcement action against the applicant for failure to perform remediation under KRS 224.01-400, 224.01-405, any administrative regulations promulgated under these statutes, or the Federal Comprehensive Environmental Response Compensation and Liability Act as amended, 42 U.S.C. sec. 9601 et seq., for injunctive relief, lien assertion, reimbursement of costs, or civil penalties imposed under KRS 224.99-010 for failure to perform remediation under KRS 224.01-400 or 224.01-405 and any administrative regulations promulgated under these statutes; provides that the issuance of a covenant not to sue for a brownfield site, as defined in 42 U.S.C. sec. 9601(3), shall preclude any suit or claim under state law to compel the performance of remediation in excess of that required in the approved corrective action plan; and provides that the Act shall not limit appeals of final cabinet orders and determinations, actions against the cabinet to compel compliance with the terms of the corrective action plan, or the availability of remedies to persons, other than the cabinet, for injury.

HB 414

AN ACT relating to hunting and fishing licenses.

Amends KRS 150.175 to provide that a short-term fishing license may be issued to a resident as well as a nonresident; and deletes hunting preserve license provisions.

HB 418

AN ACT relating to health benefit plans.

Amends KRS 304.17A-005 to add to the definition of “creditable coverage” and “excepted benefits,” to define “dependent,” “employee benefit plan,” “group health plan,” and “participant,” and to include an association plan in the definition of “individual market”; amends KRS 304.17A-220 to clarify the preexisting condition exclusion for members of a group health plan, including a requirement that the preexisting condition be diagnosed and treated by a licensed medical professional, and to provide that except for individuals who apply for coverage in the individual market, the period of any preexisting condition exclusion that would otherwise apply to an individual may be reduced by the number of days of creditable coverage the individual has as of the effective date of coverage under the policy; requires notice requirements for the exclusion; defines the method for calculation of creditable coverage for a preexisting condition exclusion period; defines “enrollment date,” “first day of coverage,” “late enrollee,” “late enrollment,” and “significant break in coverage”; exempts children from the preexisting condition exclusion without a significant break in coverage; exempts children 30 days after adoption from the preexisting condition exclusion without a significant break in coverage; prohibits imposing a preexisting condition exclusion relating to a condition based solely on genetic information; requires that a certificate of creditable coverage be provided without charge; adds events qualifying for special enrollment in a group plan; allows 30 days for special enrollment of an employee or the employee’s dependent after the specified event occurs; requires an employer to provide employees with a notice of special enrollment rights when initially offered the opportunity to enroll; establishes the requirements regarding creditable coverage; amends KRS 304.17A-230 to authorize the Office of Insurance to promulgate regulations; amends KRS 304.17A-617 to allow a health insurer 10 business days rather than 5 days in which to respond to the Office of Insurance concerning a request for a review of a coverage denial; amends KRS 304.17A-096, 304.17A-430, 304.175-001, and 304.38A-010 to conform; and creates new sections of subtitles 17A, 17B, and 17C of KRS Chapter 304 to prohibit insurers, health benefit plans under Kentucky Access, and limited health benefit plans from imposing a greater co-payment for services rendered by a chiropractor or optometrist than the co-payment for the services of a physician or osteopath for the same or similar diagnosed condition even if different nomenclature is used to describe the condition or complaint.

HB 424

AN ACT relating to the protection of personal identifiers in domestic relation cases.

Creates a new section of KRS Chapter 403 to provide in domestic relations cases in which the disclosure of a personal identifier is required that the disclosure be made in accordance with the Rules of Civil Procedure; requires the court clerk to allow certain parties access to the unredacted sealed copy; and amends KRS 403.150, 403.160, 403.211, 407.5311, and 407.5602 to conform.

HB 427

AN ACT relating to the Office of Housing, Buildings and Construction.

Amends KRS 198B.030 to permit the Office of Housing, Buildings and Construction to enter into agreements as well as contracts with the subdivisions and instrumentalities of the federal government and with instrumentalities of the state government; amends KRS 318.054 to require an applicant for renewal of a master or journeyman plumber's license to present evidence of the completion of continuing education requirements; and requires continuing education administrative regulations to be promulgated with the advice of the State Plumbing Code Committee; makes Section 2 EFFECTIVE July 1, 2007.

HB 429

AN ACT relating to the acquisition of cemetery land.

Amends KRS 416.210 to require burial associations to have local legislative approval prior to condemnation of land.

HB 437

AN ACT relating to local government.

Creates new sections of KRS Chapter 67 relating to the formation of a unified local government; permits a county and cities within the county to unite to form a unified local government; defines "citizen members," "participating cities," and "population"; establishes the procedure for unification; requires the enactment of ordinances by the participating local governments as prescribed; requires the county clerk to certify ordinances as valid; requires the clerk to notify the designated local officials of the validation of the ordinances and the initiation of the unification process; requires the appointment of a unification review commission within 60 days of the initiation of the process by the county clerk; requires a unification review commission to be no less than 20 or more than 40 members; permits the county judge/executive and the mayors of the participating cities with the approval of the respective legislative bodies to determine the size of the commission; requires the membership to be equally divided between the county and participating cities with the ratio of the membership between the cities and county as prescribed; provides that the chair of the commission be a citizen member elected by majority vote of the membership; requires vacancies to be filled as originally provided; requires the commission to be funded by the county and participating cities in proportion to their relative population as prescribed; outlines those issues to be studied by the commission and the contents of a unification plan if it is determined that a unification is to be proposed; permits the commission to propose the formation of a single unit of government; requires a unification plan to be completed within 2 years of the commission's appointment or be dissolved; vests all legislative authority of a unified local government in a legislative council; vests the executive authority in a chief executive officer who shall have the powers and duties of a county judge/executive and a mayor as prescribed; permits the employment of a chief administrative officer as prescribed; requires all appointments to be made by the chief executive officer with confirmation subject to approval by a majority of the legislative council; requires the salary of the chief executive officer to be no less than the salary of a county judge/executive based on the county population as prescribed; requires the holding of at

least one public hearing prior to the finalizing of the unification plan; permits the holding of additional public hearings; requires the public notice of such hearings as prescribed in KRS Chapter 424; requires the unification commission to vote on the final version of the plan; requires the plan to be approved by a majority of the commission's members prior to its submission to the voters of the county at the next regular election; requires the question on adoption of a unification plan to be filed with the county clerk and advertised as prescribed; requires a majority of those voting to adopt a unification plan; requires the question on unification to be governed by those laws on elections as prescribed and in KRS Chapters 116-121; requires a unification plan to take effect January 1 following the election of officers for the unified government and thereafter as prescribed; prohibits the question of unification from being submitted again for 5 years if rejected by the voters; provides for the redistricting of legislative council seats as prescribed; permits the unified local government to exercise the powers and privileges of counties and the highest class of city within the county; extends the same sovereign immunity to a unified local government as to other local governments; requires the enactment and enforcement of local ordinances as prescribed; permits the unification commission to determine which preexisting local ordinances will continue in effect and where they will be in effect until they are changed by the new legislative council; provides for the continuation of all contracts, bonds, and franchises in effect in all cities and the county; provides that these conflicts shall be resolved so as to not to impair the rights of any party involved; requires the continued existence and election of all local constitutional officers but permits the unified local government to assign the duties of these officers as prescribed; extends any previous oversight of the offices to the new unified local government; requires all city and county government employees to become employees of the unified local government; extends all previously held civil service rights to employees until changed by ordinance or statute; extends all rights, privileges, and protection of beneficiaries of retirement and pension funds until all benefits due each beneficiary are paid; permits the territory of a unified local government to be divided into service districts for taxing purposes as prescribed; permits the continuation of all special purpose taxing districts within the county unless eliminated under the unification plan or later dissolved as provided by statute; permits the unified local government to retain the taxing authority of the special purpose local government notwithstanding KRS 132.027; requires all ordinances creating boards, commissions, interlocal agreements, and authorities to be deemed reenacted unless eliminated by the unification plan; permits all appointees to continue to serve for the remainder of their original appointments; permits the unified local government to restructure, abolish, consolidate, or alter in any way such entities as permitted by law; requires the continuation of any planning commission until dissolved as provided by law; requires the continuation of existing tax rates and levels of service until changed by the unified local government; permits the unified local government to provide for a level of services and taxation as prescribed for those properties located in the former cities which may be of a different level and different tax rate than areas which were formerly unincorporated; provides for the payment and purchase of certificates of delinquencies on former city tax bills as provided; requires any nonparticipating city in a unified county to remain incorporated with all previous powers; prohibits any further incorporation of cities in a unified county; and prohibits any annexation by a city in a

unified county unless approved by the legislative council of the unified local government as provided.

HB 442

AN ACT relating to eggs.

Amends KRS 260.550 to authorize the Department of Agriculture to issue a stop order to an egg seller who does not submit an emergency recall plan; amends KRS 260.610 to require submittal of an emergency recall plan to the department; amends KRS 260.990 to establish penalties for untimely assessment fee payment; sets penalty for not submitting an emergency recall plan; and sets out penalties for violation of egg shell labeling requirements.

HB 446

AN ACT relating to the sales of horses.

Creates a new section of KRS Chapter 230 to require that any sale, purchase, or transfer of an equine used for racing or showing, including a prospective racehorse, breeding prospect, stallion, stallion season, weanling, or broodmare or an interest in such horse be accompanied by a written bill of sale or acknowledgment of purchase and signed by both the buyer and seller or their duly authorized agents, or in sales involving a season or fractional interest of a stallion, signed by the syndicate manager or stallion manager; allows the auction receipt and the signature of the purchaser or the purchaser's agent to satisfy the bill of sale and signature requirements; prohibits a person from acting as the agent for both the buyer and seller unless full disclosure is given and the written consents of the purchaser and seller are obtained; defines what constitutes dual agency; prohibits an agent from accepting compensation or another item of value in excess of \$500 from a party other than the one he or she represents without disclosing the payment to both the buyer and the seller and obtaining the consent of the principal for whom the agent works; requires the agent, upon demand, to submit to the buyer or seller copies of all financial records and documents relating to the transaction involving the racehorse, prospective racehorse, stallion, or broodmare; clarifies that the financial records subject to disclosure do not include the agent's or owner's work product used to internally evaluate the equine; clarifies that disclosures required under this section may exclude compensation arrangements if a dual agency does not exist; permits an injured party to recover treble damages; specifies how treble damages will be computed; permits the prevailing party in litigation occurring under this section to receive reasonable litigation expenses; specifies that auction companies are not deemed to be dual agents; exempts from public disclosure the reserves, identity of the principals, or the auctioneer's commission where transactions occur by public auction; exempts from the provisions of this Act the sales, purchases, or transfers of equines used for showing if the sale, purchase, or transfer is \$10,000 or less; and specifies that liability under this section shall apply to persons who have actual knowledge of the conduct constituting a violation.

HB 450

AN ACT relating to forestry.

Amends KRS 149.344 to require the cabinet to immediately order a logger or operator to cease activity and implement corrective measures if the logger or operator has

received two past bad actor designations and is violating use of best management practices and is causing water pollution; and requires a description of the actions taken by the cabinet if a logger fails to use appropriate best management practices.

HB 453

AN ACT relating to horse racing.

Amends KRS 230.443 to refer to eligible horses as those conceived rather than foaled by artificial insemination; permits the breeders incentive funds to be awarded to the owners of horses bred and foaled in Kentucky; establishes as the fund's purposes the promotion, enhancement, improvement, and encouragement of the further and continued development of the horse industry; amends KRS 230.770 to delete language limiting eligibility for Standardbred Development funds to stallions who stand in the Commonwealth during the entire breeding season; and permits a standardbred to register at any time during the breeding season, not to exceed July 1 of each year.

HB 451

AN ACT relating to fish and wildlife resources.

Amends KRS 56.491 to provide an exemption for boundary surveys that may be performed by employees of the Department of Fish and Wildlife Resources who have, or are supervised by an employee having, a professional land surveyors license; amends KRS 150.025 to delete the current requirement to mail administrative regulations to the county clerk in an area impacted by a regulation; amends KRS 150.177 to require that administrative regulations be promulgated to specify the number of special permits to nonprofit wildlife conservation organizations; amends KRS 150.180 to delete the number of days that a trapper or a fur buyer can hold raw furs; amends KRS 150.320 to remove crows from the species of wild game birds not subject to limit or protection; amends KRS 150.370 to delete the provision that possession of a raw fur out of season is evidence of an out-of-season taking; and amends KRS 150.412 to allow commercial guides to participate in hunting or fishing while in the performance of their duties as a guide.

HB 458

AN ACT relating to the examination of mines.

Amends KRS 352.340 to provide that conveyor belt inspections be conducted by certified and properly trained persons; amends KRS 352.340 to include the mine foreman among the certified personnel that make weekly inspections of the conditions of and record dangers in the mine; requires conveyor belts to be examined by either a mine foreman or a certified belt examiner; and establishes the education and training requirements to be certified as a belt examiner.

HB 462

AN ACT relating to mortgage banking.

Amends KRS 294.010, relating to mortgage loan companies and brokers, to make a technical change; amends KRS 294.020 to exempt from the chapter a consumer loan or finance company, industrial loan company, and nonprofit organization under certain circumstances; exempts certain branches of a mortgage loan company or broker; deletes the exemption for a person licensed as a real estate broker or sales associate not actively

engaged in the business of negotiating loans secured by real property when the person renders the services in the course of his or her practice as a real estate broker or sales associate; requires certain exempted persons to fund or broker at least 12 FHA-insured loans on Kentucky properties each year; requires such persons to notify the executive director if they cease to be approved by the Department of Housing and Urban Development; requires such persons to provide a list of funded or brokered FHA-insured loans for the previous calendar year to the executive director January 15 of each year; amends KRS 294.032 to require a mortgage loan company to have a minimum documented funding source of \$1 million; provides that a mortgage loan company with a net worth in excess of \$1 million shall not be required to provide an additional funding source; requires each applicant for a license as a mortgage loan broker to have at least one owner who owns at least 20 percent of the applicant and to provide proof of at least 2 years' experience in the mortgage industry; amends KRS 294.060 to require, at the time of filing an application or renewal for registration as a mortgage loan company or mortgage loan broker, that the applicant post corporate surety bonds in an amount not less than \$250,000 for mortgage loan companies; amends KRS 294.090 to clarify the powers of the executive director; requires the executive director to execute a written order whenever a license, registration, or claim of exemption is suspended or revoked; provides penalties for persons who have had a license, registration, or claim of exemption suspended or revoked and who continue to participate in any business activity covered by KRS Chapter 294; provides that any person who has had a license, registration, or claim of exemption denied must wait 1 year to be eligible; provides that any person who has had a license, registration, or claim of exemption revoked must wait 3 years to be eligible; authorizes the executive director of the Office of Financial Institutions to notify the Revenue Cabinet to institute action in a court of competent jurisdiction to recover fines and penalties; authorizes the executive director to file a complaint in a court of competent jurisdiction for a temporary restraining order or injunction; amends KRS 294.220 to prohibit a delay beyond 5, rather than 2, days for issuance of a written loan payoff to a customer who has submitted a written request; amends KRS 294.255 to authorize the executive director to issue a temporary certificate of registration for up to 180 days to a mortgage loan officer or broker who is awaiting completion of criminal records background check or in the process of fulfilling initial education requirements; requires a certificate of registration to be renewed by June 20 each year and provides for automatic expiration of certificates of registration on June 30 if a properly completed renewal form has not been submitted; permits issuance of a duplicate copy of a certificate of registration upon satisfactory showing of its loss and payment of a \$10 replacement fee; amends KRS 294.260 to provide that completion of education requirements in the case of initial registrations shall satisfy the continuing education requirements for the first renewal registration; permits an extension of 30 days, rather than 1 year, to complete the continuing education requirement; creates new sections of KRS Chapter 294 to authorize a person with knowledge of violations of this chapter to provide the executive director with a report; provides that any documents, materials, or other information in possession of the executive director must be confidential and privileged and not subject to the Open Records laws; exempts the executive director and others who receive documents from testifying in any civil action concerning the confidential documents; exempts a person from civil liability for libel, slander, or other relevant tort because of filing reports or

furnishing information in the absence of malice, fraud, or negligence; creates a new section of KRS Chapter 294 to authorize the executive director to participate in the establishment and implementation of a multistate automated licensing system for mortgage loan brokers, mortgage loan companies, loan officers, or originators; prohibits the executive director of the Office of Financial Institutions from requiring specified exempted persons to submit information or participate in the uniform multistate licensing program; and repeals KRS 294.265, relating to the denial, suspension, or revocation of the license of a mortgage loan company, mortgage loan broker, or loan officer.

HB 470

AN ACT relating to administrative hearings and declaring an emergency.

Amends KRS 224.10-440 to require that administrative hearings held by the Environmental and Public Protection Cabinet be finished within a 180-day window; sets procedures for requesting an extension; requires the secretary to remove a case from a hearing officer who fails to meet the imposed deadline and decide the case or transfer it to another hearing officer; provides that the secretary has 90 days in which to decide a case that has been referred to the secretary because a hearing report was not filed timely; provides that the secretary may not transfer a particular case to another hearing officer more than once; allows the secretary to require testimony to be filed in writing for all or some categories of cases; and requires the secretary to decide cases within 90 days of receipt of a report and recommended order and prohibits more than one 45-day extension of this deadline; EMERGENCY.

HB 472

AN ACT clarifying that state lottery prizes paid in installments over time may be assigned under certain circumstances.

Amends KRS 154A.110, relating to lottery prizes, to permit their assignment with Circuit Court approval under certain circumstances; specifies that any person contracted to receive prize payments in installments over time by the corporation, excluding prizes payable for the winner's life, may be eligible for assignment with court appeal; permits assignment pursuant to an order of the Circuit Court located in the judicial circuit where the corporation headquarters is located; specifies the contents of the order; requires, as a condition of assignment, the assignor to disclose the existence or nonexistence of a current spouse and, if married, to submit a notarized statement that the spouse consents to the assignment; prohibits an assignment from including payments that are subject to offset or withholding due to delinquent child support obligation, a debt owed to a state agency, or any attachments, garnishments, or executions authorized by statute and served upon the process agent of the corporation; prohibits division of any single prize payment among more than three different persons or entities; and requires the assignor or the assignee to be responsible for providing the corporation information necessary for identifying the parties to any assignment and making the assigned payments.

HB 475

AN ACT relating to information about meningococcal meningitis disease.

Creates a new section of KRS Chapter 158 to require a local school district to provide information on meningococcal meningitis disease and its vaccine to parents and

guardians of students in grades 6 through 12, if other health information is also provided, and specify the information to be included; and requires the Department of Education, in cooperation with the Department for Public Health, to develop and make the information available to local school districts, including posting on its Web site.

HB 479

AN ACT relating to pupil attendance policies.

Amends KRS 159.140 to permit an assistant to the director of pupil personnel to perform the required duties of the director of pupil personnel; requires that the school be notified of the home conditions of habitual truants rather than of all students; requires documentation of contact with the custodian of the student when ascertaining the causes of irregular attendance and truancy; requires documentation of the home conditions of the student and intervention strategies attempted in any action brought to enforce compulsory attendance laws; and amends KRS 159.080 to conform.

HB 499

AN ACT relating to motor vehicle trailers.

Amends KRS 189.060 to permit a motor vehicle used as a towing unit on which the red lights are not obscured by the towed unit or its load to be equipped with red lights on the towed unit, towing unit, or both; and amends KRS 281.600 to exempt bulk-type fertilizer spreaders or liquid fertilizer spreaders being towed by a motor vehicle and used in intrastate transportation from the provisions of CFR Title 49, Part 393.

HB 501

AN ACT relating to public roads.

Amends KRS 178.040 to establish that in the absence of any record, the width of a public road right-of-way shall include the area lying within landmarks and fences indicating the boundary lines and in the absence of both record or landmark shall extend to the shoulders and ditch lines; and amends KRS 178.290 to permit county, city, urban-county, consolidated local, and charter government to build and maintain sidewalks along public roads.

HB 508

AN ACT relating to eminent domain.

Creates a new section of KRS 416.540 to 416.680 to delineate the allowable public uses for eminent domain in the Commonwealth; exempts the acquisition of property financed by state road funds or federal highway funds from the public use requirement for eminent domain; and amends 416.540, relating to eminent domain, to replace the phrase "public purpose" with the phrase "public use."

HB 512

AN ACT relating to Transportation Engineering Assistant I experience requirements.

Creates a new section of KRS Chapter 18A to remove the experience requirements from the class specification for Transportation Engineering Assistant I; and directs that any applicant with a high school diploma, equivalency certificate, or a

passing score on the GED examination be allowed to take the written examination for the classification.

HB 520

AN ACT relating to the local occupational tax.

Amends KRS 67.750 to update the reference to the internal revenue code to the code in effect on December 31, 2005; and amends KRS 68.197 to provide that a city contained in a county for purposes of the occupational license tax credit includes cities that are in more than one county.

HB 530

AN ACT relating to jail canteen accounts.

Amends KRS 441.135 to clarify the use of jail canteen account funds includes, but does not limit, usage of such funds to recreational, vocational, and medical purposes; and requires the fiscal court to annually transfer to the jail canteen account between \$1,000 and \$6,000 based on the annual average daily inmate population of that county beginning July 1, 2007, in order to maintain adequate operating funds in the jail canteen account.

HB 535

AN ACT relating to motor vehicle registration.

Amends KRS 186.050 to establish that a vehicle with a declared gross weight of a vehicle and load of 10,000 pounds or less be registered for a fee of \$11.50; and deletes the gross weight and vehicle load category and fee for commercial vehicles between 6,001 and 10,000 pounds.

HB 537

AN ACT relating to fees and the distribution thereof.

Amends KRS 64.090 to increase sheriffs' fees to \$40 for any agency or person requesting service not on behalf of the Commonwealth of Kentucky; amends KRS 186.245, relating to the posting of notices; amends KRS 64.012 increasing certain fees to \$12, allowing the clerk to retain \$6 of this fee and awarding \$6 of the fee to the Affordable Housing Trust Fund; amends KRS 189.456 to remove county clerk for disabled handicap parking placard; amends KRS 189.458 to remove county clerk for a temporary disabled handicap parking placard; amends KRS 134.810 increasing the tax delinquency fee to \$2; amends KRS 186.040, relating to vehicle registration fees, to create an additional \$3 fee for registration and to distribute the additional fee money raised; amends KRS 64.530 to require clerk fees be used for statutory purposes and excess fees to be turned over to county; amends KRS 186.190 to increase title transfer fees to \$2; amends KRS 186A.245, relating to replacement title fees; amends KRS 186A.130 increasing processing fees; amends KRS 142.010 to increase certain taxes to \$4 and to distribute fees; amends KRS 98.013, relating to clerks in county containing a city of the first class; amends KRS 100.127, relating to land use restrictions for planning and zoning; amends KRS 235.066 to increase fees for motorboat registration to \$2; amends KRS 137.115 to remove fee allowances; amends KRS 134.480, KRS 134.810, KRS 205.7785, KRS 269.230, KRS 279.490, KRS 311.310, KRS 337.075, KRS 338.201,

KRS 341.310, KRS 359.050, KRS 365.445, KRS 365.680, KRS 367.515, KRS 382.470, KRS 365.680, KRS 423.020, KRS 532.164, KRS 413.100 to conform; makes Section 3 of this Act effective on August 1, 2006; and makes Sections 1, 2, and 4 to 37 of this Act effective on January 1, 2007.

HB 540

AN ACT relating to hepatitis C.

Creates a new section of KRS Chapter 214 to require the Department of Public Health, in coordination with the Department of Veterans' Affairs and the Department of Corrections, to develop a statewide education, awareness, and information program on hepatitis C; permits the program to include materials specifically addressing individuals who may be at high risk of infection; permits the use of materials developed by health-related companies or advocacy organizations; permits the Department of Public Health to consult with the University of Kentucky College of Medicine, the University of Louisville School of Medicine, the Pikeville College School of Osteopathic Medicine, the American Liver Foundation, the Centers for Disease Control and Prevention, and other scientific, medical, or advocacy organizations to develop the protocols and guidelines for the program; and requires a report to the Interim Joint Committee on Health and Welfare by December 6, 2006, and every 6 months thereafter.

HB 550

AN ACT relating to the provision of broadband service.

Amends KRS 224A.011 to include broadband deployment projects; defines "broadband deployment project"; amends KRS 224A.112 to create the Broadband Deployment Account and requires that it shall be managed by the Kentucky Infrastructure Authority; creates a new section of KRS Chapter 224A to set forth the purposes of the broadband deployment account; requires the authority to establish an incentive program to assist in the provision of broadband deployment projects; applies only to unserved areas of the state; and allows the authority to promulgate administrative regulations to carry out the purposes of this Act.

HB 553

AN ACT relating to the receipt of payments by county governments.

Amends KRS 64.840 to allow a county government to accept payment of any fine, forfeiture, tax, or fee by check, draft, electronic funds transfer, or other similar means of payment; and allows the county government to recover any transaction fee incurred by the county for submitting or processing the transaction.

HB 555

AN ACT relating to retired teachers, making an appropriation therefor, and declaring an emergency.

Amends KRS 161.553 to delete obsolete language and update the chart that sets out the appropriations needed to pay the annuitants; provides for the state to pay for medical insurance for annuitants; requires the teachers' retirement system to study pension obligation bonds; amends KRS 161.620 to provide an ad hoc cost-of-living increase of .8 percent for the 2006-2007 fiscal year and to provide an ad hoc cost-of-

living increase of .6 percent for the 2007-2008 fiscal year; amends KRS 161.661 to permit retirees who became eligible for disability retirement before July 1, 2002, to accrue income up to \$40,000, rather than \$27,000; and amends KRS 161.520 to conform; EMERGENCY.

HB 556

AN ACT relating to gasoline and special fuel taxes.

Amends KRS 138.240 to require that gasoline and special fuels reports be filed electronically for tax periods beginning on or after January 1, 2007; provides for a waiver from the requirement if specific conditions exist; amends KRS 138.280 to require that gasoline and special fuel tax payments be made electronically; and provides for a waiver from the requirement if specific conditions exist.

HB 557

AN ACT relating to governmental operations, making an appropriation therefor, and declaring an emergency

Amends KRS 13B.020 to exempt license and bond revocation hearings for motor fuels dealers, LP gas dealers, and cigarette licensees from the administrative hearing process in Chapter 13B; amends KRS 131.081 to allow the Department of Revenue to make a recording of any conference or meeting if the taxpayer records same; amends KRS 138.450 to define additional terms, to allow a trade-in credit when the reference manual is used to value a used vehicle, to clarify that the owner of a used vehicle may receive a trade-in credit for the vehicle traded, and to delete language limiting the trade-in credit to used vehicles purchased in Kentucky only; amends KRS 138.464 to require county clerks to forward duplicate receipts and weekly reports of money collected from the motor vehicle usage tax within 7 working days; creates a new section of KRS Chapter 139 to exempt out-of-state commercial printers and mailers from collecting sales and use tax; amends KRS 387.025 to no longer require the District Court clerk to send guardian information to the Department of Revenue; amends KRS 138.224, 138.226, 138.460, 138.4605, and 138.344 to conform; amends KRS 141.010 to clarify that the owner of a disregarded entity for federal tax purposes shall be considered to have nexus in Kentucky; makes technical corrections to 2006 HB 380/EN; and repeals KRS 138.500; EMERGENCY.

HB 561

AN ACT relating to insurance producers.

Amends KRS 304.9-040 to change “individual” to “person” in the definition of “insurance consultant”; amends KRS 304.9-080 to provide that no business entity shall act as a consultant unless licensed as a consultant; deletes subsections (3) and (4); amends KRS 304.9-320 to establish requirements for license as a consultant for an applicant who is an individual and for an applicant who is a business entity; and amends KRS 304.9-107 to exempt persons holding certain degrees or designations from the prelicensing course of study requirements for specific lines of authority.

HB 562

AN ACT relating to the taxation of watercraft.

Creates six new sections of KRS Chapter 136 to provide definitions; causes watercraft to be centrally assessed by the Department of Revenue and provides for local distribution of collected taxes; requires corporations to file a description of watercraft; requires notification of watercraft value to the corporation and provides the method for distributing local taxes; provides a “hold harmless” clause for local districts for 10 years; amends KRS 136.120 to remove watercraft; and repeals KRS 136.181, 136.182, 136.183, 136.187, 136.184, and 136.187; effective January 1, 2008.

HB 568

AN ACT relating to cooperatives.

Amends KRS 279.020, relating to incorporation of a rural electric cooperative corporation, to allow a nonprofit cooperative corporation to be organized for the primary purpose of generating, purchasing, selling, transmitting, or distributing electric energy and providing any good or service related to generating, purchasing, selling, transmitting, or distributing electric energy and for the secondary purpose of engaging in any other lawful business or activity provided that any nonregulated business or activity is conducted through an affiliate, unless the nonprofit cooperative corporation is engaged in a contract with a federal military installation or a contract for administrative services with a local, state, or federal government; establishes the affiliates to nonprofit cooperative corporations engaged in nonregulated business; and provides annual reports to member-owners of the cooperative and balance sheets and income statements to the Public Service Commission.

HB 572

AN ACT relating to drug testing of miners.

Creates a new section of KRS Chapter 304 subchapter 13 to require insurers to give a credit on workers’ compensation premiums for certified drug-free workplace policies implemented by licensees; creates new sections of KRS Chapter 351 to require persons certified under KRS Chapter 351 to submit to drug and alcohol testing as a condition of certification; requires those persons seeking certification to provide proof and specify how proof is obtained; requires an employer to pay for one test for a newly certified miner and to reimburse for an applicant certified other than as a miner who is currently employed in the coal industry; requires the Office of Mine Safety and Licensing to offer drug and alcohol testing or to contract for those services; requires that the cutoff concentration for breath alcohol shall be .04 percent; requires an 11-panel drug test; establishes requirements for those providing drug and alcohol testing services; requires use of a medical review officer; allows the applicant to submit proof from other sources and specifies requirements for acceptance of the results; requires results be given when the applicant is notified of granting or denial of certification; establishes the reasons for denial of certification; provides for retesting at the applicant’s expense; establishes requirements that must be met for an applicant who fails a drug and alcohol retest and who has been denied certification to obtain eligibility to reapply for a certification; requires a miner who has had a certification revoked or suspended due to violating a drug- or alcohol-free condition to reapply for certification after fulfilling the terms of any

final order entered by the Mine Safety Review Commission; establishes appeal to the Mine Safety Review Commission; provides for confidentiality of the applicant's testing results and records and clarifies that only drug testing-related records are exempt from disclosure under the Kentucky Open Records Act; establishes when information may be released; requires insurers authorized to write workers' compensation policies to give a premium credit to licensees that have implemented a drug-free workplace policy; amends KRS 349.010 to make conforming reference changes; amends KRS 351.010 to define "adulterated specimen," "illicit substances," "medical review officer," or "MRO," and "serious physical injury"; amends KRS 351.101 to state that abuse of illicit substances and alcohol in the mining industry constitutes a serious threat to the health and safety of miners; amends KRS 351.102 to require the Office of Mine Safety and Licensing to require applicants for certified miner to submit proof of drug- and alcohol-free status; requires trainee miner to receive 1 hour of classroom instruction on the subject of drug and alcohol abuse; requires trainee miners who have 45 working days' experience to submit proof of alcohol- and drug-free status; provides a 30-day window to notify an applicant that he or she is not qualified; amends KRS 351.103 to make technical correction; amend KRS 351.1041 to allow for an appeal to the Mine Safety Review Commission for violations of drug and alcohol certifications and failures to report serious accidents; amends KRS 351.106 to require the Mining Board to establish retraining and reeducation requirements that include 30 minutes of alcohol and substance abuse education; provides additional training in substance abuse; requires the secretary to promulgate administrative regulations; amends KRS 351.110 to require other certifications granted under Chapter 351 to include provisions for drug and alcohol testing; amends KRS 351.120 to require proof of drug- and alcohol-free status; requires the commissioner to suspend certifications for violations of drug- and alcohol-free status and provide for a hearing before the Mine Safety Review Commission; provides procedures for filing a petition for hearing and reapplication procedures; amends KRS 351.127 to require certified emergency medical or mine emergency technicians to submit to drug and alcohol testing; amends KRS 351.1291 to require training in substance abuse; amends KRS 351.170 to require all reports of facilities licensed under KRS Chapter 351 to be made to the executive director of the Office of Mine Safety and Licensing; provides reporting requirements for operators and superintendents; amends KRS 352.010 to define "executive director" and "serious physical injury"; amends KRS 352.180 to require the making of a report for inundation of a mine by waters or gases; allows a mine foreman or his or her designee to make the report; specifies that the report of the accident shall be made within 15 minutes of that person having actual knowledge of the occurrence and having access to communications; provides that failure to report a serious physical injury or fatality shall create a rebuttable presumption of an intentional order to violate mine safety laws; provides that the Office of Mine Safety and Licensing may require postaccident testing of certified persons; provides that the cost of postaccident testing shall be borne by the Office of Mine Safety and Licensing; provides for a deviation on the type of testing procedures for postaccident victims; amends KRS 352.210 to make changes to conform; requires the licensee to notify the executive director by the close of the next business day of certified persons discharged for violation of the company's substance abuse or alcohol abuse policies or who tested positive or failed to complete an employee assistance program; amends KRS 352.390 to allow the Mine Safety Review

Commission to revoke, suspend, or probate certificates for failure to maintain drug- and alcohol-free status; and makes technical corrections and conforming subsection reference changes.

HB 573

AN ACT relating to on-site sewage systems.

Amends KRS 211.350 to provide for a required database relating to on-site wastewater systems information and an annual report to the governor and the Legislative Research Commission on the status of on-site systems statewide; requires the department for Public Health to maintain a list of approved and experimental on-site technologies and make the list available to local health departments; requires site evaluations to be completed within 15 working days and, if additional information is required, within 10 days of receiving the additional information; requires a local health department, after site evaluation, to provide a list of all options available for a property upon request; requires the owner of an advanced treatment, alternative, experimental, or new and emerging technology system contact the appropriate entity to obtain an operations and maintenance plan for the system; amends KRS 211.370 to require that persons seeking an approved on-site system be provided information regarding the ombudsman in the Cabinet for Health and Family Services; and requires the local health board when hearing appeals to use the expertise of regional consultants of the Department for Public Health and to provide all information on on-site systems to the Cabinet for Health and Family Services for incorporation into the database.

HB 581

AN ACT relating to the Office of Education Accountability.

Amends KRS 7.410 to require, on or before December 1 of each year, that the Education Assessment and Accountability Review Subcommittee adopt an annual research agenda for the Office of Education Accountability; provides that the agenda shall be amended to include studies directed by the General Assembly in the next succeeding session; directs that the Office of Education Accountability's annual report include the status and results of the current year's annual research agenda, a summary of completed investigative activity conducted, and other items of significance as determined by the Education Assessment and Accountability Review Subcommittee; and makes changes to conform.

HB 588

AN ACT authorizing the payment of certain claims against the state which have been duly audited and approved according to law, and have not been paid because of the lapsing or insufficiency of former appropriations against which the claims were chargeable, or the lack of an appropriate procurement document in place, making an appropriation therefore, and declaring an emergency.

Appropriates funds for the payment of claims against the state and provides for an appropriation; EMERGENCY.

HB 589

AN ACT relating to health education.

Creates a new section of KRS Chapter 158 to encourage public schools to include age-appropriate education, within existing health curriculum, on the risks associated with exposure to ultraviolet rays; and requires the Kentucky Department of Education to provide instructional resources, including information from national standards and health organizations.

HB 603

AN ACT relating to the Board of Dentistry.

Amends KRS 313.200 to increase the per diem for members of the Board of Dentistry from \$50 to \$100.

HB 611

AN ACT relating to manufactured and mobile home community permit fees.

Amends KRS 219.340, relating to fees for manufactured and mobile home community permits, to redesignate the first level of permitting to be 10 or fewer spaces at a cost of \$50.

HB 616

AN ACT relating to prisons.

Amends KRS 197.510, relating to private prisons, to specify that 60 feet of living space be supplied per inmate in lieu of 60 feet of sleeping area and to lower the minimum age for security employees from 21 years of age to 18.

HB 620

AN ACT relating to the Real Estate Appraisers Board.

Amends KRS 324A.025 to increase the per diem payment of the members of the Board of Real Estate Appraisers from \$100 to \$200.

HB 626

AN ACT relating to the Public Service Commission.

Amends KRS 278.020 and 278.714 to make the Public Service Commission consider the interstate benefits expected to be achieved by proposed construction of electric transmission facilities.

HB 632

AN ACT relating to boat launching fees.

Amends KRS 148.021 to prohibit the Department of Parks from charging boat launching fees at public boat ramps over which it has authority; and requires the Department of Parks to provide a prorated refund for the unexpired portion of an annual ramp pass to any person who has purchased and has in his or her possession evidence of the purchase from the Department of Parks.

HB 640

AN ACT relating to grain assessments.

Amends KRS 251.640 to require all producers of grain to pay an assessment on marketed grain; and amends KRS 251.610 to conform.

HB 645

AN ACT relating to the National Truck Network.

Designates that US 431 from the junction of the West Kentucky Parkway to the Kentucky and Tennessee border be included as part of the National Truck Network.

HB 646

AN ACT relating to the Governor's Wellness and Physical Activity Initiative.

Creates a new section of KRS Chapter 12 to establish the Governor's Council on Wellness and Physical Activity and set requirements; creates a new section of KRS Chapter 194A to establish the Governor's Wellness and Physical Activity Program, Inc., and sets requirements for; and amends KRS 12.020, 12.023, and 194A.030 to comply.

HB 651

AN ACT relating to athletic trainers.

Creates new sections of KRS 311.900 to 311.928 to define "athlete"; includes in the definition of "athletic injury" an injury or condition that is within the athletic trainer's scope of practice that has been identified by a licensed physician, physical therapist, occupational therapist, or chiropractor as one that would benefit from athletic training services; clarifies that injury does not include medical conditions such as internal infection, internal injuries, fractures, and spinal cord injuries, except in an acute situation; requires that the athletic trainer's activities take place pursuant to the written or oral orders of a licensed physician; establishes a nine-member advisory council to make recommendations to the Board of Medical Licensure regarding the certification of athletic trainers; establishes the advisory council's duties; establishes the athletic trainer's scope of practice; establishes as requirements for certification obtaining national certification or licensure or certification in another state with standards that are substantially equivalent to those in Kentucky; creates exemptions to certification; requires that disciplinary proceedings comply with KRS 311.591, 311.592, 311.593, 311.599, and KRS Chapter 13B; establishes procedures by which an emergency order may be issued; sets up rules of procedure governing the issuance of an emergency order; amends KRS 311.900 to expand the scope of practice of an athletic trainer; amends KRS 311.928 and 311.990 to conform; caps the fine to be assessed by the board at \$5,000; establishes as conditions for disciplinary action aiding, assisting, or abetting in the practice of chiropractics and the willful violation of KRS 311.900 to 311.928; adds a new section setting out the parameters of the certified athletic trainer's practice; and repeals various sections in KRS 311.900 to 311.928.

HB 656

An act relating to wireless enhanced 911 systems.

Amends KRS 65.7621, relating to commercial mobile radio service, to clarify the definition of "CMRS provider," and define "Tier III CMRS provider"; amends KRS

65.7623 to change the composition of the Commercial Mobile Radio Service (CMRS) Board from 8 to 10 members and attach it to the Office for Security Coordination instead of the Finance and Administration Cabinet; amends KRS 65.7625 to extend the duties of the CMRS administrator to include all enhanced 911 instead of just wireless; amends KRS 65.7629 to authorize collection of a CMRS service charge from each prepaid CMRS connection where Kentucky is a place of primary use or when the NPA/NXX of the number is inside Kentucky; requires CMRS board to develop standards for improved 911 services; authorizes the CMRS board to provide grants to improve 911 services; amends KRS 65.7631 to establish guidelines for the distribution of proceeds for grants and to reallocate the money in the CMRS fund; amends KRS 65.7635 to require CMRS providers to remit service charges to the CMRS board; provides CMRS providers with options for the determination of the service charge amount to be remitted for purchasers of prepaid wireless phone service; and makes various technical corrections.

HB 663

AN ACT relating to tax credits for rehabilitation of historic structures.

Amends KRS 171.397 to allow preapproval of projects for the historic preservation tax credit and to require that a final application for the actual credit be filed after the project is completed; allows any cap amounts not awarded during a year and the difference between preliminarily approved and finally approved projects to be added to the cap for the following year; imposes a maximum per-project credit of \$400,000 for projects that are not residential; and requires any penalties for disqualifying work to be assessed against the property owner who performs the disqualifying work and not against any transferee of the credits.

HB 665

AN ACT relating to coal-based production of hydrogen and electricity with minimum emissions.

Amends KRS 278.700 to change the name of a qualifying cogeneration facility to a qualifying facility and to add a demonstration project for the production of electricity and hydrogen from coal to the definition of a qualifying facility.

HB 669

AN ACT relating to agricultural products.

Amends KRS 45A.645 to require state agencies to purchase Kentucky-grown agricultural products if the vendor can meet quality and pricing requirements; requires state agencies that purchase Kentucky-grown agricultural products to submit an annual report to the Legislative Research Commission and the Department of Agriculture describing the amount of products purchased.

HB 688

AN ACT relating to expelled or suspended students.

Amends KRS 158.150 to define "behavior which constitutes a threat" as including assault, battery or abuse of others, the threat of force or violence, being under the influence of drugs or alcohol, the use, possession, sale, or transfer of drugs or alcohol, or the carrying, possessing, or transfer of weapons or dangerous instruments, and any other

behavior which may endanger the health or safety of others; permits a school board to adopt a policy providing the district may review the details of a suspension or expulsion, for any reason, of a student from any public or private school and determine if the student will be admitted; and requires that any action under this section related to students with disabilities shall be in compliance with applicable federal law.

HB 707

AN ACT relating to commercial driver's licenses.

Amends KRS 281A.160 to clarify waiting periods for retaking a failed written test for a commercial driver's license (CDL); establishes a skills testing fee for CDL applicants; creates the State Police CDL skills testing fund; requires that the fund be used to contract with and train civilian CDL skills examiners and improve the logistics of the CDL skills testing process; requires that applicants provide the proper class of commercial vehicle for the type of CDL they are testing for; requires that unless given prior approval by Kentucky State Police, vehicles for testing must be unloaded; requires that upon arrival for a skills test, the applicant must bring a valid Kentucky operator's license, a valid CDL permit, and a Department of Transportation physical card; exempts applicants for a CDL with "S" restrictions limited to the operation of buses from the skills testing fee; deletes language regarding the ability of the Kentucky Community and Technical College System to provide third-party testing; deletes provisions that allow a third-party tester to provide a vehicle for testing for a fee; clarifies that the CDL skills test shall have three parts and that a passing grade of 80 percent be achieved on each section prior to the issuance of a CDL; provides that a passing score on any one section of the CDL skill test be carried forward and that the applicant will not have to take that portion again; provides for retesting procedures and a retesting fee of \$50 after an applicant has failed a skills test four times; provides that a missed appointment shall count as a failure for retesting purposes; and mandates that the Kentucky State Police promulgate administrative regulations within 90 days of the effective date of the Act to set forth qualifications for contract examiners; EMERGENCY.

HB 710

AN ACT relating to transportation.

Amends various sections of KRS Chapter 189, relating to traffic regulations, to modify and update traffic laws to comply with the uniform vehicle code; amends KRS 177.315, relating to access permits, to eliminate the maximum variance allowed from statutory spacing requirements; amends KRS 177.240, relating to rest areas on interstates, to eliminate the requirement that if a rest area is closed, a new one must be opened within 15 miles of the old site; amends KRS 186.405 and 186.410 to change references to "nondriver ID cards" to "personal ID cards"; amends KRS 189A.345 to correct a statutory citation error; amends KRS 189.280, 189.990, and 189.993 to conform; and repeals KRS 189.490 and KRS 189.630.

HB 738

AN ACT relating to stockyards.

Creates a new section of KRS 261 to require stockyards and buying stations to carry certain insurance coverage; amends KRS 261.200 to change definition of

“stockyard” and “livestock,” and add definition of “market agency,” “livestock dealer,” and “farmer”; amends KRS 261.210 to indicate that the department shall administer and enforce the chapter by regulation; amends KRS 261.230 related to licensee compliance generally and compliance with the Packers and Stockyards Act; amends KRS 261.260 to set out bonding requirements for a stockyard, market agency, and livestock dealer; amends KRS 261.270 to establish stockyard scale certification; amends KRS 261.280 to delete weighman bonding requirements but retain accurate weight obligations; amends KRS 261.320 to expand qualifications of stockyard veterinarians; amends KRS 261.350 to delineate payment procedures for livestock purchased at auction; amends KRS 261.990 relating to fines for violations of the chapter; amends KRS 257.990 to conform; repeals, reenacts, and amends KRS 257.520 to add exceptions related to future farmers, 4-H, fair, and association sales; repeals, reenacts, and amends KRS 257.530 to specify livestock dealer licensing requirements; repeals, reenacts, and amends KRS 257.540 related to the rights of livestock buyers; repeals KRS 257.510; and repeals KRS 261.290.

HB 742

AN ACT relating to home energy assistance.

Creates a new section of KRS Chapter 96 to allow municipalities that operate an electric power system to establish a home heating assistance fund; creates a new section of KRS Chapter 278 to allow utilities not regulated by the Public Service Commission that do not already administer an energy assistance program and utilities as defined in KRS 278.010(3)(a) or KRS 278.010(3)(b) that do not already administer an energy assistance program to establish a voluntary energy cost assistance fund; specifies contribution amounts to the fund; specifies how subsidies from the fund will be disbursed; specifies who is eligible to receive disbursements; specifies when disbursements can be made; and creates requirements for fund reporting, contribution mechanisms, and fund management cost recovery.

HCR 8

Requires the Transportation Cabinet to consider the installation of cable barriers on the Gene Snyder Freeway in Jefferson County as a deterrent to accidents caused by motor vehicles crossing the median into oncoming traffic.

HJR 14

Requires the executive director of the Education Professional Standards Board, with the cooperation of the commissioner of Education and the president of the Council on Postsecondary Education, to establish an interagency task force to coordinate the redesign of education leadership programs.

HCR 30

Confirms the appointment of Denise Moore Davidson to the Mine Safety Review Commission for the remainder of the unexpired term of John David Preston ending May 23, 2008.

HCR 32

Confirms the gubernatorial appointment of Karen L. Engle to the Governor's Postsecondary Education Nominating Committee.

HCR 37

Confirms the appointment of Samuel E. Moore to the Agricultural Development Board for a term expiring July 6, 2009.

HCR 38

Confirms the appointment of Wesley V. Milliken to the Governor's Postsecondary Education Nominating Committee.

HCR 39

Confirms the reappointment of James G. Cibulka to the Education Professional Standards Board.

HCR 41

Confirms the appointment of William David Donan to the Mine Safety Review Commission for a term expiring May 23, 2007.

HCR 42

Confirms the appointment of Lorraine G. Williams to the Education Professional Standards Board.

HCR 43

Confirms the appointment of Rodney Glen Dick to the Agricultural Development Board for a term expiring July 6, 2009.

HCR 49

Confirms the appointment of Jeffrey Scott Jobe of Glasgow to the Kentucky Long-Term Policy Research Center Board for a term expiring October 6, 2008.

HCR 50

Confirms the appointment of Jason Brent Legg of Florence to the Kentucky Long-Term Policy Research Center Board for a term expiring October 6, 2008.

HJR 93

Provides that mandates, directives, and initiatives in the 2006-2008 State/Executive Branch Budget Memorandum have the force and effect of law; and attaches the 2006-2008 State/Executive Branch Budget Memorandum; EMERGENCY.

HJR 94

Provides that mandates, directives, and initiatives in the 2006-2008 Legislative Branch Budget Memorandum have the force and effect of law; and attaches the 2006-2008 Legislative Branch Budget Memorandum; EMERGENCY.

HJR 95

Provides that mandates, directives, and initiatives in the 2006-2008 Judicial Branch Budget Memorandum have the force and effect of law; and attaches the 2006-2008 Judicial Branch Budget Memorandum; EMERGENCY.

HJR 101

Proclaims May 1 of each year as coal miner recognition day and urges the commissioner of the Department Natural Resources, the commissioner of the Department of Labor, and the state offices of the United Mine Workers of America to work with county governments, schools, other state agencies, federal agencies, and media outlets to establish celebrations and commemorations of coal miners on May 1 of every year.

HJR 110

Designates the Aviation Museum of Kentucky, Inc., as the official aviation museum of the Commonwealth of Kentucky.

HCR 115

Reauthorizes the Legislative Research Commission Task Force on Funding for Wildlife Conservation; establishes membership, meeting frequency, and reporting dates.

HCR 119

Designates September as Childhood Cancer Awareness Month.

HCR 120

Provides for the creation of a Land Stewardship and Conservation Task Force to study strategies for the protection of natural areas, farmlands, habitats, and forests; and requires report recommendations by June 30, 2007.

HJR 145

Directs the Council on Postsecondary Education, the Kentucky Board of Education, the Education Professional Standards Board, and other P-16 partners to develop strategies and a timeline for improving Kentucky students' knowledge and understanding of the Constitution of the United States and the democratic processes; and requires reports to the Interim Joint Committee on Education, by August 1 and December 1, 2007.

HJR 168

Directs the Transportation Cabinet to name the following state highways and bridges and erect appropriate signs: a portion of KY 72 in Harlan County as the "1932 Yancey Mine Disaster Memorial Highway"; bridge number B00013 on KY 292 in Martin County as the "John C. Cline Memorial Bridge"; US 62 in Lyon County as the "Lyon County Veterans Memorial Highway"; US 62 in Marshall County as the "Marshall County Veterans Memorial Highway"; all of KY 11 as "The Veterans Memorial Highway"; the bridge over the Big Sandy River connecting US 23 to the community of Tram in Floyd County as the "Frank DeRossett Bridge"; the bridge on KY 1428 in the City of Allen in Floyd County as the "R.D. "Doc" Marshall Bridge"; the bridge on US

Route 119 over US 23 in Letcher County (mile marker 28.08) as the “Cpl. Joshua D. Harris Memorial Bridge”; bridge number B00016 on US 68, which crosses the Clay Lick Creek in Metcalfe County, as the “Thomas D. Emberton Bridge”; bridge number B00197 on US 119 near KY 194, which crosses John’s Creek in Pike County, the “William Blackburn Memorial Bridge”; a portion of KY 899 in Knott County as the “Verna Mae Slone Road”; the new River/Offut bridge in Paintsville as the “Irvin Clay Memorial Bridge”; the Paris by-pass in Bourbon County as “Thoroughbred Run”; the new Shelbyville by-pass as “Freedom’s Way”; the entire length of KY 979 in Floyd County the “Eula Hall Highway”; old US 60 (KY 3344 and 811) near the town of Reed in Henderson County as the “St. Augustine Church Road”; a portion of KY 317 in Letcher County as the “Letcher County Coal Miners Highway”; the bridge on KY 80, at the entrance to Langley, as the “Ralph Owens Memorial Bridge”; the Cliff Bridge in Floyd County as the “Bert T. Combs Memorial Bridge”; KY 1051 in Meade County as the “Meade County Veteran’s Memorial By-Pass”; and KY 29 from US 68 to the city limits of Wilmore as the “Earl Lewallen Highway.”

HCR 189

Declares October 2006 as antibiotic resistance awareness month; and urges the Interim Joint Committee on Health and Welfare to hold hearings in October 2006 on topics related to antibiotic resistance.

HCR 214

Directs a study on how to effectively provide assistance to schools not meeting established goals for student achievement to be completed by the Interim Joint Committee on Education by December 1, 2006.

HCR 222

Confirms the appointment of John Douglas Hubbard to the Kentucky Board of Education representing the Third Supreme Court District for a term ending April 14, 2010.

HCR 224

Confirms the appointment of C.B. Akins, Sr. to the Kentucky Board of Education representing the Fifth Supreme Court District for a term ending April 14, 2010.

HCR 225

Confirms the gubernatorial appointment of Jeanne H. Ferguson to the Kentucky Board of Education representing the Fourth Supreme Court District for a term ending April 14, 2010.

HCR 226

Confirms the reappointment of R. Keith Travis to the Kentucky Board of Education representing the First Supreme Court District for a term ending April 14, 2010.

HCR 227

Confirms the gubernatorial appointment of Wilburn Joe Brothers to the Kentucky Board of Education representing the Second Supreme Court District for a term ending April 14, 2010.

HCR 229

Confirms the gubernatorial appointment of Katheryn R. Baird to the Kentucky Board of Education representing the Seventh Supreme Court District for a term ending April 14, 2010.

HCR 287

Confirms the appointment of Jim D. Skaggs to the Council on Postsecondary Education for a term expiring December 31, 2011.

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State custody, tobacco products, prohibit from family member - HB 92
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Code enforcement boards, membership on joint boards - HB 126
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Relocation of, in county containing city of the first class or consolidated local government - HB 178

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Corrections personnel in urban-county governments to have collective bargaining - SB 102
Exclude mobile home and recreational vehicle parks owned by local government from KRS 219.310 to 219.410 - HB 94
Management districts, structure and function - HB 23
Retirement benefits for police and firefighters - SB 108

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DUI, mandatory testing of drivers in motor vehicle accidents resulting in death or serious injury - HB 67
Fish and wildlife, penalty provisions for - SB 132
Force, use of, when permitted - SB 38
Hunting wildlife with computer-assisted remote devices, prohibit, establish penalty - HB 289
Inmate lawsuits, restriction on - HB 193
Long-term care facility, inspection, revealing in advance - SB 141
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 DUI, mandatory testing of drivers in motor vehicle accidents resulting in death or serious injury - HB 67
 Force, use of, when permitted - SB 38
 Inmate lawsuits, restriction on - HB 193
 Long-term care facility, inspection, revealing in advance - SB 141
 Sex offenders, criminal activity, registration, residency, and requirements - HB 3

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Burial of homicide victim, action for court order to permit - SB 9
 Drugs or poisons, coroner's duty to report deaths caused by - HB 67
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KinCare Support Program, creation of - HB 45
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Drugs and Medicines

Advanced registered nurse practitioners, controlled substances, prescriptive authority established - SB 65
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 Teacher's retirement, insurance and annuities - HB 555
 The Kentucky Youth Development Coordinating Council, establish - SJR 184
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 The Kentucky Youth Development Coordinating Council, establish - SJR 184
 Workforce Investment Board, reorganization of - SB 57

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Funeral establishments, new categories, creation of and licensing for - HB 232

Preneed funeral and burial contracts, death verification required to release funds or life insurance benefits under - HB 142

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Public building planning and mapping system - SB 171

Eminent Domain and Condemnation

Legislative bodies to approve burial association condemnation - HB 429
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Interstate benefits of electric transmission lines, consideration of - HB 626
LIHEAP, \$5 million in current year funding for heating assistance - HB 283
Minimum-emissions coal project, exemption for - HB 665
Office of Energy Policy, direct development of coal-to-liquid and biomass alt fuels - HB 299
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Asbestos assessment and response program, administration of - HB 408
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Environmental
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Rock fences, documentation and standards for
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Waste tire fee, reauthorization of - HB 145
Water well board, changes to, and changes to penalties
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Wildlife, illegal to hunt with computer-assisted remote
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State employees, sale of craft items to state parks by -
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CDL tests, establish fees and procedures for retesting -
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Military special license plates, eliminate extra fee - SB
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Computer-assisted remote devices, illegal to hunt with -
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Firefighters and Fire Departments

Retirement benefits for police and firefighters, urban-
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Volunteer firefighters, prohibit termination while
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Commonwealth Office of Technology, copies of aerial imagery from entities within KY to be sent to - SB 111
Department of Military Affairs, supplemental funding for qualified firefighters employed by - HB 273
Gasoline and special fuels tax, require electronic filing and payment - HB 556
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Postsecondary capital construction, threshold amount for self-performed projects - SB 83
Utility gross receipts tax, allow agreements among districts - HB 403

Fish and Wildlife

ATVs, require helmets for operators and passengers under 16 - HB 117
Boat launching fees - HB 632
Captive cervids, create new permits for - SB 230
Department of Fish and Wildlife, hunting and fishing, regulation of - HB 451
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Hunger relief program, voluntary fee on motor vehicle registration - SB 148
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Short-term fishing license, hunting preserve license, make changes to - HB 414
Timber harvesting operations, orders of cessation, violations for - HB 450
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Agricultural products, state agencies, purchase of - HB 669
Apples and strawberries, statutes, repeal of - HB 267
Egg
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Forests and Forestry

Forestry Best Management Practices Board, administration, reporting - SB 147
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Timber harvesting operations, orders of cessation, violations for - HB 450

Fuel

Administrative hearings, exempt license and bond revocation hearings for motor fuels - HB 557
Bonding, oil and natural gas drilling, requirements for - SB 237
Minimum-emissions coal project, exemption for - HB 665
Office of Energy Policy, direct development of coal-to-liquid and biomass alt fuels - HB 299
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KinCare Support Program, creation of - HB 45
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Asbestos assessment and response program, administration of - HB 408
Environmental remediation fee, recycling and hazardous waste grants, use for - SB 50
Hazardous waste fee, extend fee to 2008 and provide for waiver - SB 75
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Advanced registered nurse practitioners, controlled substances, prescriptive authority established - SB 65
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Athletic trainers, certification of, restructuring of - HB 651
Board of Dentistry, per diem rate, increase - HB 603
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Dental and vision health insurance for public employees, require availability - HB 131
Drug and alcohol testing of miners, requirements for - HB 572
Hepatitis C education, awareness, and information program, creation of - HB 540
Hospice services, provision of pharmacy services - SB 166
Long-term care facility, inspection, revealing in advance - SB 141
Medicaid pay-for-performance demonstrations in long-term care, apply for participation in - SJR 176
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Nurse Licensure Compact, enactment of - HB 102
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Organ and tissue donor registry, establish - HB 57
Osteoporosis, education and prevention program for - SB 202
Physician assistants, licensing established - SB 78
Physicians Care Program for the uninsured, creation of - SB 180

Physicians, specialty license, scope established - SB 127
Prescription drugs, refillable, time frame - HB 181
Resource counseling and referral center, creation of - SB 174
Respiratory care certificate renewal, remove grace period for - HB 265
Retail food establishment donations, tax and additional inspections exemption for - HB 68
Supported living program, state council for, eligibility, change in program standards - SB 146
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